UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/1990/6/Add.14
8 October 1996

ENGLISH
Original: FRENCH

Substantive session of 1997

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

TUNISIA */ **/

[2 August 1996]

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*/ The initial reports concerning rights covered by articles 6 to 9 (E/1978/8/Add.3) and by articles 10 to 12 (E/1986/3/Add.9) submitted by the Government of Tunisia were considered by the Sessional Working Group of Governmental Experts at its 1980 session (see E/1980/WG.1/SR.5-6) and by the Committee on Economic, Social and Cultural Rights at its third session (see E/C.12/1989/SR.9).

**/ The information submitted by Tunisia in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.46).

GE.96-18510(EXT)

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GENERAL INTRODUCTION

I.

1. Against the background of the information provided in the core document forming the initial part of reports of States parties (HRI/CORE/1/Add.46 of 8 June 1994), dealing with the land and people, the general political structure, the general framework within which human rights are protected, and information and publicity, this general introduction offers fuller information concerning the choices, bases and priorities underlying Tunisia's economic and social policy, and on the latest achievements and measures taken to secure effective enjoyment of the rights recognized in the International Covenant on Economic, Social and Cultural Rights, in the framework of a global approach to human rights.

2. Convinced that political rights cannot be developed or preserved unless basic minimum economic and social rights are realized, since 7 November 1987 - the date on which President Zine El Abidine Ben Ali acceded to the Supreme Magistrature - Tunisia has worked continuously to promote and protect the full range of political, economic and social rights. Accordingly, it has committed itself to guaranteeing the rights to employment, health, education and housing, and has achieved internationally recognized results in the economic and social fields, combatting poverty and marginalization, thereby promoting a feeling of confidence in the future among all social categories.

3. Tunisia has thus adopted a comprehensive approach to development, combining two parallel and mutually supportive processes, the outcome of structural economic reforms and of profound social readjustments; one which takes account of the time factor and changing attitudes, and which takes advantage of the open-mindedness and moderation that typify Tunisian culture.

4. Accordingly, the Tunisian reforms have encompassed infrastructure, urban problems and the environment. In addition, Tunisia has made education, training and culture the core of its policy, devoted special attention to health and housing, and accorded top priority to youth training and employment.

5. Social consensus and ongoing dialogue are the basic rules governing relations between all the political, economic and social partners, reflecting the recognition that comprehensive development cannot be fully achieved until the impoverished have gained access to the essential attributes of dignity; a goal that can be achieved only by combatting all forms of destitution and marginalization and making enhanced solidarity among all members of the national community an essential basis for all the reforms introduced.

II.

6. The United Nations Development Programme (UNDP) Human Development Report for 1994 stressed that Tunisia has given priority in utilization of its resources to improving the standard of living, thereby striking a balance between development imperatives and social issues. The human development indices (HDIs) set out in that report reveal the following data:

(a) An increase in personal income from 798 dinars in 1984 to 1,806 dinars in 1994;

(b) A fall in the infant mortality rate from 51.4 per 1,000 in 1984 to 34.9 per 1,000 in 1994;

(c) A fall in the percentage of primitive dwellings, from 25.8 per cent in 1975 to 8.84 per cent in 1984 and 2.7 per cent in 1994;

(d) A fall in the rate of adult illiteracy from 54.9 per cent in 1975 to 46.2 per cent in 1984 and to 37.1 per cent in 1994.

7. In spite of the difficult world economic climate, Tunisia has also managed to achieve encouraging results, illustrated in a rate of growth in national product averaging 4.8 per cent over the last four years; an increase in non-agricultural industrial exports at an annual rate of 13 per cent; and an improvement in employment potential, with demand for employment fully absorbed for the first time; while at the same time the country's financial equilibrium has been preserved and its external debt brought under control.

8. These results, along with others, have consolidated Tunisia's place in the regional and global environment, enabling it, in a relatively short period of time, to accomplish a transition towards the stage of effective integration in the world economy, through an association agreement with the European Union concluded shortly after Tunisia's accession to the World Trade Organization.

III.

9. How can the worldwide trend towards social exclusion be reversed and a policy designed to restore social justice and cohesion be promoted, without losing sight of the economic issues linked with the globalization of trade and the opening up of the economy to international competition and competitiveness? Responses to that question tend to vary depending on the countries under consideration and the political strategies that impel them. For its own part, Tunisia has chosen to direct its efforts towards achievement of sustainable development, which presupposes a redefinition of the roles of all its economic and social agents. This model takes as its starting point the key idea that only sustainable development is capable of preventing social apartheid and the exclusion that inevitably accompanies it.

10. In such a model, the welfare State is replaced by the solidarity State. This does not mean echoing the old call for systematic disengagement of the State; for the State is more involved than ever in economic and social life. Rather, it means redefining the manner in which the State intervenes, stimulating solidarity and promoting the idea of a society taking progressively greater responsibility for itself.

11. It is against that background that the new social policy is being implemented, through the establishment of varied programmes and the promotion of measures enabling the objectives of social justice and cohesion to be achieved more fully, and at a lower cost than would be possible under the welfare State. Prominent among such measures are the National Solidarity Fund for the remote regions to be revitalized through solidarity among citizens and society as a

whole, and also the national programmes to combat poverty which, since the Eighth Plan (1992-1996), have undergone a qualitative change, in which an assistance-based approach is replaced by one aimed at achieving social integration by economic means.

12. One of the most important reforms has been the creation of the National Solidarity Fund, into which voluntary contributions by citizens and enterprises are channelled, and the purpose of which is to implement programmes to provide remote regions and areas with a standard of living allowing the inhabitants access to basic communal facilities such as decent housing, health and educational infrastructures, roads, electricity and drinking water. This innovative experiment, on which Tunisia prides itself, has already proved its effectiveness, so tangible and promising are the benefits it has brought to the impoverished sections of the population and the remote regions.

13. In this connection, the recent (1 May 1996) presidential initiative appointing a Secretary of State responsible for the National Solidarity Fund should also be noted.

IV.

14. On the different question of the right to work, a right guaranteed by the Constitution, it is worth stressing the importance attached to this question by the Tunisian State through the many provisions adopted and measures taken to implement a coherent and active employment policy with a view to guaranteeing equal employment opportunities. The establishment of hours of work, paid holidays, health and safety regulations, and protection of women and disabled people in the workplace are priorities of Tunisia's social policy, which aims at securing the fullest possible protection of workers.

15. Recently, in a speech delivered on 1 May 1996 as part of the Labour Day celebrations, President Zine El Abidine Ben Ali decided to increase the guaranteed minimum wage in the industrial and agricultural sectors. He also announced the following measures to benefit enterprises and workers:

(a) A 25 per cent reduction in the rate of contributions to the occupational accidents and diseases scheme by enterprises that have made conspicuous efforts in the area of prevention of occupational risks and improvement of working conditions;

(b) Granting of an investment premium amounting to 20 per cent of the cost of prevention projects within the enterprise;

(c) Introduction of the necessary amendments to the system of loans to enterprises to enable them to finance their programmes to improve working conditions, extending the period of repayment from seven to ten years and lowering the rate of interest from 8.25 per cent to 6 per cent;

(d) Introduction of a system whereby the National Social Security Fund pays the statutory allowances due to workers and their severance premium in the event of termination for economic or technical reasons, and guaranteeing workers priority in payment of their statutory allowances;

(e) Retention of the family allowance service and of the single wage allowance, as well as provision of care for workers whose employment is terminated for economic or technical reasons, throughout the year following the date of the termination.

Orders have also been given to begin harmonizing the various labour legislation texts into a coherent and harmonious code that will allow all the partners to be better acquainted with their rights and obligations.

16. Accordingly, the second part of the draft of a reformed Labour Code, dealing with such important questions as health and safety at work, employment and the wages system, has been submitted to the Chamber of Deputies following wide-ranging consultations with labour organizations.

17. In parallel with the existing legal mechanism, the Labour Code, which has been constantly enriched and updated, Tunisia has acceded to a large number of international labour conventions, 56 of which it has now ratified.

18. Realization of the right to work has evolved in Tunisia in parallel with the evolution of our conception of a production enterprise, which goes beyond individual working relations so as to consider it as an economic and social production unit based on participation by all its partners in its promotion and development. The basis for our approach is the fact that development of labour relations is an essential precondition for achievement of social peace and establishment of the concept of social democracy as an extension of political democracy.

19. While, in the past, the right of association was subjected to restrictions and difficulties, restoration of that right in the new era as an inseparable part of the democratic edifice, normalization of trade union life, the institution of reconciliation, guarantees of the credibility of social dialogue, respect for the independence of the labour organizations and strengthening of their roles and the contribution they are called upon to make to defining national choices - all these are concrete realities in Tunisia.

20. With regard to the employment of foreign workers, these are recruited regularly and benefit from all the advantages and rights enjoyed by Tunisian workers. As freedom of association is accorded to all occupational categories, foreign workers are also permitted to join trade unions. The principle of equal treatment of all under social security legislation, regardless of sex or nationality, is also proclaimed and respected, in accordance with the international standards established by the International Labour Organization (ILO), and in particular by ILO Convention No. 117, which has been ratified by Tunisia. The same is true of the legislation, which conforms to the rules set forth in ILO Convention No. 118 concerning Equality of Treatment of Nationals and Non-Nationals in Social Security. Bilateral social security conventions have been concluded with various countries.

V.

21. The solidity of the social fabric has also been strengthened by a new qualitative leap in the areas of emancipation of women, consolidation of the family and protection of the rights of children, the elderly and the disabled.

22. Tunisia, which believes in and works to provide families with the protection and support that are essential to enable them fully to shoulder their responsibilities in society, has - in accordance with the choices and international commitments stemming from its accession to all the instruments relating to protection of the family, women and children - given its policies concrete form through various programmes and measures that make the right of individuals and their families to enjoy an adequate standard of living an everyday reality for all.

23. With regard to the protection of children, Tunisia, which acceded to the Convention on the Rights of the Child by Act No. 93 of 29 November 1991, has since boosted its programmes for the protection of children. The Child Protection Code, promulgated by an Act signed in November 1995, provides specific follow-up to that general policy, with a view to securing the necessary balance between the imperatives of social prevention and the necessities of legal protection, thereby rendering intervention by the various social, educational and legal parties and structures involved in the protection of children effective. Its underlying principle is that the way in which a society treats its children shows not only that it is capable of compassion and of offering humanitarian protection, but also that it has a sense of justice, is committed to the future, and wishes to improve the human condition for future generations.

24. Another not insignificant strategy, which constitutes one of our most notable achievements and a source of pride for Tunisian society as a whole, has been to involve women as full partners in the nation's economic activity - a strategy which has resulted in changes to our legislation designed to strengthen their position in the family by formalizing relations between the spouses based on mutual respect and constructive cooperation in the management of conjugal life and the children's affairs. Faithful to these achievements, which have not only been maintained but also consolidated, Tunisian legislation can pride itself on the adoption of a number of legal texts and measures calculated to give women effective freedom from artificial restraints and enable them to rise to the level of full and complete citizenship in their daily lives. Thus, for example, Tunisian women have been encouraged to set up production enterprises in various sectors and have benefited from numerous opportunities giving them access to the highest responsibilities in administrative and decision-making circles, opening up the way for their participation in all consultative bodies dealing with national affairs and the people's future, and to the fulfilment of their role in a civil society whose basis is the elimination of all forms of direct or indirect exclusion.

25. Consequently, women's organizations and associations have been accorded a prominent place. Girls also have access to all the specialized areas of general and vocational education, and in all cycles of education have achieved levels quantitatively and qualitatively comparable to those achieved by boys, as regards knowledge, practical training and experience. At least as many girls as boys win prizes, at all levels and in all disciplines.

26. Women in rural areas have distinguished themselves by their tenacity and sense of sacrifice in tilling the land and increasing production in spite of an occasionally harsh climate and slender resources. Yet considerable progress has been made in recent years in improving their living conditions, inter alia, by

installing utilities essential to daily life, notably drinking water and electricity, and by bringing them educational and health services. More sustained efforts will continue to be made in this regard, as well as to eliminate the residual consequences of the phenomenon of premature interruption of schooling among girls, especially in rural areas.

27. In the broader context, one should note the recent measures taken at a Select Ministerial Council in April 1996, devoted to the national family strategy, the purpose of which is to promote families' aptitudes and consolidate their educational, social and economic role so as to enable the rising generation to receive a sound and thorough education.

28. The Plan of Action for the promotion of the family has four focuses: the relationship between the spouses; the children's education; the family's physical and psychological health; and the family economy. Measures to complement the existing structure include:

(a) The possibility of both spouses taking out loans concurrently to build a home;

(b) The possibility of adopting the system of common ownership of property and having it written into the marriage contract;

(c) In both public and private sectors, automatic payment of family allowances to mothers having custody of the children, so as to ensure that the children receive an appropriate education and that their dignity is safeguarded;

(d) Introduction in the private sector of pension benefits for the surviving spouse, a measure already in force in the public sector;

(e) Introduction in the public sector of concurrent entitlement both to family allowances and to the provisional orphans' allowance, a measure already in force in the private sector;

(f) Harmonization of private- and public-sector criteria concerning children's age in connection with entitlement to family allowances.

VI.

29. As for the health sector in Tunisia, the comprehensive humanistic and social approach formalized under the Change has brought about a qualitative leap in this area, as can be seen from the results obtained over the last eight years, which vindicate Tunisia's choices and policies in this regard:

(a) Life expectancy increased from 66 years in 1988 to over 71 years in 1995;

(b) The public health budget has increased by more than 250 per cent, with global health expenditures accounting for about 6 per cent of gross domestic product (GDP);

(c) The rate of medical coverage has risen from one doctor per 2,300 inhabitants in 1987 to a current figure of one doctor per 1,500 inhabitants;

(d) There has been concurrent development of the hospitals infrastructure, training of paramedical staff and a reduction in disparities between regions through an increase in the number of basic health centres and coverage of all regions of the country;

(e) More than 93 per cent of children under the age of five have been vaccinated against the six diseases covered by the enlarged world vaccination programme, and compulsory vaccination against hepatitis B was introduced in 1995;

(f) Qualitative and quantitative promotion of the pharmaceutical industries has made it possible to increase the rate of coverage of national needs from 8 per cent in 1987 to about 40 per cent currently;

(g) Significant results have been achieved in controlling population growth, and it is hoped to attain a 1.5 per cent population growth rate in the year 2000, following the 1.72 per cent rate achieved in 1995.

VII.

30. In conclusion, on the basis of its experiences and achievements in promoting human rights, Tunisia has been able to incorporate establishment of the rule of law in a global approach, to initiate a process of economic, social and cultural development, and to promote human rights in all their dimensions, both at the structural level and at the level of day-to-day practice and procedures.

31. These measures and this progress achieved by Tunisia, which are amply detailed in this report, provide evidence of the State's constant concern to improve its citizens' quality of life and to achieve sustainable development.

32. "These are some of Tunisia's choices and achievements, forming part of the assets of a people whose history bears witness to the fact that it was one of the first to abolish discrimination on grounds of sex, in the light of its profound conviction that human life is essentially founded on equality, freedom and justice, ideals for which it has fought so hard for more than 150 years, and on the basis of which history has forged Tunisia's identity." (Extract from a speech by the President of the Republic at the opening of the Tenth Congress of the National Union of Tunisian Women (UNFT), Tunis, 10 August 1995.)

I. APPLICATION OF THE GENERAL PROVISIONS OF THE COVENANT

A. Article 1: the right to self-determination

33. As this article is identical to article 1 of the International Covenant on Civil and Political Rights, reference should be made to the fourth periodic report of Tunisia submitted in accordance with article 40 (CCPR/C/84/Add.1 of

24 May 1993), which was considered and discussed by the Human Rights Committee, at Geneva on 18 and 19 October 1994.

B. Article 2: exercise of rights

Paragraph 1

34. Some developments concerning this question have been referred to in the general introduction to this report, and fuller information appears in the twelfth periodic report of Tunisia submitted under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/226/Add.10 of 21 April 1993). That report was considered and discussed by the Committee on the Elimination of Racial Discrimination, at Geneva in March 1994.

Paragraph 2

35. Reference should be made to the relevant passages in the fourth and twelfth periodic reports referred to above.

Paragraph 3

36. Tunisia has spared no efforts to enhance its cooperation with the developing countries, with a view to securing the participation of all the partners in production in treating problems of economic and social development and stimulating fruitful cooperation at regional and international levels. Tunisia's contribution to efforts to promote the United Nations specialized agencies and engage in further analysis of the new role that the various international organizations, and in particular ILO, might play, should be viewed in that context.

37. Calls by Tunisia from the floor of various international bodies, including the United Nations General Assembly, the European Parliament in Strasbourg and the African Summit at Tunis, all stress the compelling need for a total cancellation of the debt of the poor and medium-income countries; for the abolition of interest on the debt or its recycling into projects beneficial to the environment, employment or basic infrastructure; for the conclusion of a contract for peace and progress to promote North-South cooperation and solidarity; or for regulation of the situation of immigrant workers or other social problems.

38. Tunisia has also made upgrading the theme of its next Plan, the Ninth Plan (1997-2001), and has designed a coherent programme to bring Tunisian enterprises up to an efficient level, guaranteeing their longevity and profitability, ensuring the quality of their production and stimulating their employment capacity. This upgrading involves human resources and the educational, vocational training and retraining (in-service training) sectors, as well as efforts by the Administration, an important promoter of development in Tunisia.

39. In addition, Tunisia is working to upgrade its international cooperation. That upgrading will be geopolitical and will be achieved through the creation of broader areas of cooperation with the countries of the Maghreb, the Arab world and the countries of the Middle East, Africa, the Mediterranean and other

economic focal points; and through promoting links with partners in both the developed and the developing countries.

40. Tunisia's determination to achieve these vital objectives and to rise to these challenges stems from its desire to enable its citizens everywhere to achieve their full potential, by securing the conditions necessary for their well-being and a decent life. Accordingly, Tunisia was concerned to include social and human issues as an essential component in the clauses of its association agreement with the European Union, guaranteeing and enhancing the acquired rights of its workers abroad, and formalizing the principle of non-discrimination between Tunisians lawfully established in Europe and their counterparts among nationals of States of the Union in matters of working conditions and social security coverage.

41. On another question, in the context of cooperation for development and taking account of the level attained by Tunisia in the area of human resources and educational, health and communications skills, our country is sparing no effort to help the developing countries, in particular by sending technicians and managers to work in those countries. In the area of population and family planning, for instance, Tunisia is contributing to efforts to control population growth in the sub-Saharan countries.

42. It is also helping some developing countries by providing training in Tunisia for managers and technicians in specific fields, and is awarding scholarships for hundreds of students, mainly from Africa.

43. Actions by the State in labour matters form part of its broader actions to promote human rights. They take as their starting point the Tunisian Constitution of 1 June 1959, the preamble to which recognizes the State as owing each citizen "the right to work". That right is seen as a genuine human right, which the State thus commits itself to realizing through a national employment policy providing the world of work with institutions and techniques to achieve that objective.

44. It was against that background that the independent State set out to establish the right to work, inter alia, by promulgating the Labour Code on 30 April 1966 and, since then, by stepping up the process of Tunisia's accession to a number of ILO conventions, in its constant concern to harmonize internal legislation with current trends in international law. At the present time, 56 ILO Conventions have been ratified by Tunisia, the most recent being Convention No. 138, 1973, concerning the Minimum Age for Admission to Employment, ratified by Act No. 95-62 of 10 July 1995.

45. Moreover, various legal, administrative and financial structures and techniques are drawn on in Tunisia in order to give real substance to the right to work by promoting a coherent and dynamic employment policy. But action by the State in this sphere is not confined to its role in attenuating, moderating and correcting labour market trends by orienting manpower and controlling the recruitment and laying-off of workers. One of the State's principal concerns is to protect people in the workplace: ensuring workers the right to enjoy just and favourable conditions of work (fair wages, safe and healthy working conditions, rest and mandatory paid holidays, protection of women and children in the workplace, etc.), is a necessary extension of the right to work.

46. Lastly, the State's proactive interventions in labour matters go further. One of the most striking developments in Tunisia's law and policies is to have enhanced public and trade- union freedoms: for affirming the right to work means recognizing and guaranteeing participation by workers in the life of the enterprise, which thus becomes a forum for citizenship and realization of the democratic ideal.

II. REALIZATION OF SPECIFIC RIGHTS SET FORTH IN THE COVENANT

A. Right to work and employment policy: article 6 of the Covenant

47. Under ILO Convention No. 122, 1964, concerning Employment Policy, ratified by Tunisia on 21 December 1965, the State commits itself to declaring and pursuing, as a major goal, an active policy designed to promote full, productive and freely chosen employment.

48. The following paragraphs will set out the measures taken to ensure the right to the free choice of work: (a) equal work opportunities; (b) abolition of all forms of discrimination in that connection; and (c) the right to protection against termination.

1. Right to work and right to free choice of work

49. Affirming the right to work implies first and foremost guaranteeing a free system. Freedom of work is thus opposed to any form of forced labour. From the abolition of slavery to the prohibition of practices - less brutal, but more subtle - used for purposes of political coercion or in so-called social education and prevention programmes, ILO's international action to combat forced labour has been marked by a constant concern to ensure that persons work of their own free will.

50. Convention No. 29, 1930, concerning Forced or Compulsory Labour, and Convention No. 105, 1957, concerning the Abolition of Forced Labour, are the instruments of general scope in the matter. The latter convention calls for the immediate and complete abolition of forced labour in the following five forms: as a measure of coercion or political education; as a measure of mobilization for purposes of economic development; as a sanction for having participated in strikes; and as a measure of racial, social, national or religious discrimination.

51. Tunisia ratified Convention No. 29 on 23 December 1962, and the 1966 Labour Code contains no provisions implying any form of forced labour within the meaning of those international texts. Problems have arisen, however, in connection with Decree-Law No. 62-17 of 15 August 1962 "on re-educational work", and with Act No. 78-22 of 8 March 1978 "on civic service", both of which were deemed to be contrary to the provisions of Conventions Nos. 29 and 105 by the ILO Committee of Experts on the Application of Conventions and Recommendations.

52. Although both texts have been rendered obsolete - re-educational work camps and civic service camps having long since been closed down - they were expressly abrogated by Act No. 95-9 dated 23 January 1995 - evidence of the

great importance the Tunisia of the new era attaches to international labour standards, and of its desire to achieve a high degree of harmonization of its legislation with the principles inspired by those standards, and in particular those relating to fundamental human rights.

2. Right to work and equal access to work

53. By ratifying Convention No. 122, 1964, concerning Employment Policy, on 17 December 1965, Tunisia committed itself to declaring and pursuing an active policy designed to promote full, productive and freely chosen employment. Inter alia, that commitment requires the State to ensure, in the framework of a coordinated economic and social policy, equal work opportunities for all persons - and in particular young persons - seeking employment; and to draw up specific measures to guarantee that right to disabled persons.

(a) Equal work opportunities for all persons seeking employment

54. Convention No. 142, 1975, ratified by Tunisia on 27 June 1988, concerning Vocational Guidance and Vocational Training in the Development of Human Resources, which replaced several earlier ILO recommendations, obliges States to adopt and develop comprehensive and coordinated policies and programmes of vocational guidance and vocational training, closely linked with employment, in particular through public employment services. By ratifying Convention No. 142 on 27 June 1988, Tunisia committed itself to giving a new boost to actions and programmes which have in fact constituted major concerns of its economic and social policy ever since independence. The establishment in 1964 of a National Vocational Training and Employment Council */ and the recent creation of a Ministry of Vocational Training and Employment **/ show the extent of the State's will to make vocational training programmes available to the largest possible number of young people seeking qualifications, and to provide appropriately targeted vocational training in job-creating sectors, thereby guaranteeing every worker genuine opportunities to acquire the necessary qualifications to carry out the job that suits him.

(i) General situation of the labour market and employment

55. Employment is now the fundamental problem attracting the attention of researchers, officials, trade unions and Governments almost everywhere in the world. Tunisia exemplifies those countries that have spared no effort in this regard. It has tried out a whole range of measures to encourage job creation and to bring labour market imbalances under control. That can be seen from the priority devoted to the problem of employment in successive national socio-economic development plans.

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*/ Act No. 64-51 of 22 December 1964.

**/ Decree No. 90-875 of 25 May 1990 establishing the powers of the Ministry of Vocational Training and Employment. See too Act No. 88-60 of 2 June 1988 on supplementary financing for the year 1988, and in particular its articles 12 - 13 establishing the Office of Vocational Training and Employment (OFPE).

56. Between 1962 and 1991, 936,000 jobs were created. Few economies can pride themselves on such a successful rate of net job creation. In spite of those indisputable achievements, the economy was not able to absorb the additional labour supply, estimated at 60,000.

57. The revival of economic growth and the expansion of investment boosted job creation during the Eighth Plan (1992-1996). This has made it possible to cater for almost all the additional labour supply, without, however, reducing unemployment, which stood at 350,000 in 1994, giving a standard rate of unemployment of about 15 per cent in that year.

58. However, a recent World Bank study considers that figure to be an over-estimate, attributable to the fact that the statistics used overestimate labour supply and underestimate job creation.

Trends in demand for jobs and job creation under the Plans

Plan	Additional demand (thousands)	Jobs created (thousands)	Rate of coverage (%)
4th Plan (1973-1976)	198	164	82.2
5th Plan (1977-1981)	275	209	76.0
6th Plan (1982-1986)	324	200	61.7
7th Plan (1987-1991)	300	204	68.0
8th Plan (1992-1996)	313	290	92.7

59. This relative improvement will not be merely a short-term phenomenon, as it will be closely linked with the profound economic and social changes expected over the next period (1997-2001).

60. Between 1992 and 1995, 225,000 jobs were created (51,000 in 1992; 55,000 in 1993; 58,000 in 1994 and 61,000 in 1995); and a figure of 65,000 is expected for 1996.

61. An improvement can be seen in all the basic parameters, particularly vacancies filled, which increased by 23.4 per cent in 1995, benefiting all categories of jobseekers.

Principal labour market indicators

Parameters	1992	1993	1994	1995	Growth rate (%)		
					1993	1994	1995
Job applications	136,885	142,223	160,000	189,686	3.9	12.6	18.5
Vacancies	65,296	68,099	82,000	103,027	4.3	20.0	25.6
Vacancies filled	61,415	65,484	76,500	94,381	6.6	17.0	23.4
No vacancy found	87,280	86,083	93,297	87,206	-1.4	8.4	-6.5

Job applications

Parameters	1992	1993	1994	1995	Growth rate (%)		
					1993	1994	1995
Global demand of which:	136,885	142,223	160,200	189,686	3.9	12.6	18.5
Men	89,033	94,808	106,313	121,740	6.5	12.1	14.5
Women	47,852	47,415	53,887	67,946	-0.9	13.6	26.0
Management	5,689	8,903	9,950	16,293	56.6	11.8	63.7
Non-management	131,196	133,320	150,250	173,393	1.6	12.7	15.4
First-jobseekers	59,256	56,028	67,871	81,023	-5.4	21.1	19.4
Non-first-jobseekers	77,629	86,195	92,329	108,663	11.0	7.1	17.7

Vacancies

Parameters	1992	1993	1994	1995	Growth rate (%)		
					1993	1994	1995
Vacancies of which:	65,296	68,099	81,653	103,027	4.3	19.9	26.2
Permanent	33,968	38,682	43,676	62,825	14.2	12.9	43.8
Non-permanent	31,429	29,417	37,977	40,202	-6.4	29.1	5.9
Management	979	4,003	2,227	-	308.9	-44.4	-
Non-management	64,355	64,096	79,426	-	-0.4	23.9	-

Vacancies filled

Parameters	1992	1993	1994	1995	Growth rate (%)		
					1993	1994	1995
Vacancies filled of which:	61,415	65,484	76,559	94,384	6.6	16.9	23.3
Permanent	31,168	35,986	39,526	54,833	15.5	9.8	38.7
Non-permanent	30,247	29,498	37,011	39,548	-2.5	25.5	6.9
Men	42,400	42,296	51,062	66,571	-0.03	20.7	30.4
Women	19,015	23,188	25,497	27,810	21.9	9.9	9.1
Management	727	3,701	1,195	4,463	409.1	-67.7	273.5
Non-management	60,724	61,783	75,364	82,743	17.4	22.0	9.8
First job	11,597	15,093	18,816	48,179	30.1	24.7	156.0
Not first job	49,818	50,391	57,743	39,027	11.5	14.6	-33.0

Applicants for whom no vacancy found

Parameters	1992	1993	1994	1995	Growth rate (%)		
					1993	1994	1995
Applicants of which:	87,280	86,083	93,297	87,206	-1.4	8.4	-6.5
Men	58,239	57,887	62,803	53,988	-0.6	8.5	-14.0
Women	29,041	28,196	30,494	33,218	-2.9	8.2	8.9
Management	5,566	8,605	9,296	10,363	54.6	8.0	11.5
Non-management	81,714	77,478	84,001	76,843	-5.2	8.4	-8.5
First-jobseekers	44,728	42,310	46,187	48,179	-5.4	9.2	4.3
Non-first-jobseekers	42,552	43,773	47,110	39,027	2.9	7.6	-17.2

62. It should be noted that in the case of those social categories who have little chance of entering the labour market for lack of vocational training, in particular young first-jobseekers of both sexes and elderly workers, the employment services provide specific interventions in the form of work experience schemes or retraining in enterprises. Similarly, there are national and regional worksites which specifically target elderly people who wish to work but lack the prerequisites to qualify for training or retraining.

(ii) Measures to promote employment and national programmes

63. In addition to macro-economic measures to encourage job creation, the State has set up mechanisms to promote micro-enterprises and self-employment through subsidies, aids and loans on concessional terms. It has also developed a policy to help young people enter the labour market.

64. From its establishment in 1982 up to 1995, the National Fund for the Promotion of Crafts and Small Trades (FONAPRA) has financed 16,567 projects and created about 66,000 jobs in various production and service activities, at a total investment of about 205.9 million dinars. In 1995 the Fund carried out 740 projects and created 2,960 jobs at an investment of about 14.2 million dinars.

65. The Programme to support job creation in 12 governorates, launched in January 1994, is aimed at promoting micro-enterprises in 12 of the country's provinces; its objectives for 1994 and 1995 were threefold:

(a) Training of 240 young developers;

(b) Creation of 300 micro-enterprises, 265 of which are already financed;

(c) Creation of a business village, to be completed in 1995;

(d) Creation of 1,000 jobs, an objective already accomplished.

The estimated investment cost for the Programme is 3.5 million dinars.

66. The Integrated Urban Development Programme (PDUI), started up in July 1994, aims at enhancing sources of income and creating 10,000 permanent jobs for vulnerable sectors of the population, particularly women and young people in the working-class districts of cities. During 1994 this new mechanism enabled 64 projects to be identified in several cities, some of which are now being implemented.

67. Projects approved by the Agricultural Investments Promotion Agency (APIA). APIA, a public body, assists in the creation of small and medium-sized enterprises in the stock-farming and agri-foodstuffs sectors, market gardening, fishing, etc., making concessional loans to developers wishing to set up in independent business. Between its launch in 1982 and the end of 1995 APIA enabled 8,565 projects to be set up and 34,308 jobs to be created at a total investment of 1,151.2 million dinars. In 1995, 2,820 projects generating 4,864 jobs were implemented, at an investment of 232.8 million dinars.

68. The special agricultural funds:

(a) The Special Fund for Agricultural Development (FOSDA), established in 1963, has supported the State's agricultural development efforts by providing an average of 12,000 persons annually with assistance in setting up projects and developing activities. In 1995, 23.5 million dinars were invested.

(b) The Special Fund to Promote Fishing (FOSEP) was set up in 1969 to finance and boost projects in the fishing sector. In 1994 this fund financed 100 fishing projects in an amount of 0.785 million dinars.

69. Youth employment programmes. In addition to the various funds to encourage persons to set up independent enterprises, the State has also implemented vocational training and integration programmes for young people, which were restructured in 1993 in order to increase their performance, improving the targeting of young people and the incentives to host enterprises.

(a) The On-the-Job Training Contract (CEF). Set up in 1981, by December 1995 this programme had benefited some 38,767 young people (about 52 per cent of them women). The number of beneficiaries in 1995 was 3,567, at a total cost of 900,000 dinars, with 73.2 per cent of beneficiaries finding employment;

(b) The Initiation into the World of Work Scheme for graduates in higher education (SIVP 1). This programme, launched in 1987, is aimed at graduates in higher education. By December 1995 some 23,279 young people (35 per cent of them women) in various sectors of the economy had benefited from the programme. There were 4,779 beneficiaries in 1995, at a total cost of 4.8 million dinars, with 73.4 per cent of beneficiaries finding employment;

(c) The Initiation into the World of Work Scheme for graduates in secondary education (SIVP 2). Set up in 1988, this scheme targets graduates of secondary education and those leaving vocational training centres. By December 1995 some 14,282 young people (49 per cent of them women) in various sectors, particularly services, had benefited from the scheme. In 1995 there were

4,432 in-service training contracts under the programme, at a cost of 2.4 million dinars, with 59.6 per cent of participants finding employment;

(d) The Vocational Integration and Training Fund (FIAP). Set up in 1990, FIAP is both a job support programme intended to extend and improve the existing mechanisms for providing young people with qualifications and integrating them in the labour market, and also a mechanism for dealing with the pressing needs of enterprises for specialized manpower. Since it was universalized in May 1991, the fund has carried out 2,993 projects, trained 41,006 young people, and found employment for 29,800 young people (73.5 per cent of participants). In 1995, it carried out 593 projects and trained 9,506 young people at a total cost of 2.1 million dinars. It should be noted that 55.7 per cent of the programme's beneficiaries are women. Moreover, because of its highly decentralized structure, the programme has benefited all regions of the country.

(iii) Measures to ensure that work is as productive as possible

70. The economic and social development strategy adopted a few years ago and stepped up under the Eighth Plan focuses on developing productive jobs and promoting micro-enterprises and small trades. Besides the economic nature of the specific programmes to promote employment for vulnerable categories, referred to above, the strategy of developing productive jobs is reflected in the evolution of the investment structure. In the course of recent Plans, investment has gradually focused on those sectors that generate the most jobs, as can be seen from the table below:

Trends in investment structure by sector over the last three Plans

Plan / Sector	6th Plan 1982-1986	7th Plan 1987-1991	8th Plan 1992-1996
Agriculture and fisheries	15.6	16.4	17.1
Manufacturing industries	16.4	16.7	17.5
Non-manufacturing industries	21.5	13.0	12.1
Transport	10.7	12.8	12.4
Communications	2.3	3.6	4.9
Tourism	4.5	4.8	4.7
Housing	19.1	19.7	14.9
Other services	0.9	2.4	3.8
Public infrastructure	8.0	10.6	12.6

71. In particular, the programme of investment for the Eighth Plan is characterized by:

(a) An increase in the share of the private sector, which rose to 52.3 per cent compared to 49.5 per cent during the Seventh Plan;

(b) A consolidation of the share of productive investment, which accounted for more than 57 per cent of the overall budget compared to about 53.5 per cent under the Seventh Plan. That improvement includes a substantial contribution by investment in job creation, which will have accounted for 25.4 per cent of total investment, compared to 23.5 per cent during the Seventh Plan.

72. It should also be noted that the Eighth Plan (1992-1996) provides for private investment to exceed public investment for the first time, as can be seen from the table below:

Trends in public and private investment over the various Plans

Investment per agent (%)	1st Development Decade	4th Plan	5th Plan	6th Plan	7th Plan	8th Plan
	1961-1971	1973-1976	1977-1981	1982-1986	1987-1991	1992-1996
Public sector	72.0	54.3	68.0	55.1	50.5	47.5
Private sector	28.0	47.7	32.0	44.9	49.5	52.5

73. The strengthening of the private sector's role in the development process and in the creation of jobs has been accompanied by an investment promotion policy focused on a recasting of the Investment Codes into a single, better adapted and more flexible Code covering all economic sectors and the financial and fiscal reforms.

74. These various dynamic approaches aimed at promoting employment for all in a spirit of solidarity are the practical manifestation of the right to work as enshrined in Tunisia's institutional and legal framework.

(b) Equal access to work and employment of disabled persons

75. ILO Convention No. 159, 1983, concerning Vocational Rehabilitation and Employment (Disabled Persons). The underlying purpose of this Convention, ratified by Tunisia on 22 February 1989, is to induce States to develop specific legislation intended to come to the help of a category of the population, namely, disabled persons, for whom the principles of equal access to work and freedom to work have in practice to contend with a very different reality of inequality and lack of freedom. Such is the purpose of Act No. 89-52 of 14 March 1989 concerning the advancement and protection of the disabled, which modifies a previous Act, No. 81-46 of 29 May 1981 and takes as its starting point the fundamental principle that "prevention of disability, detection, as well as care, education, vocational training, employment and socio-economic integration of the disabled, constitute a national responsibility ..." (art. 1).

76. To that end, the Act establishes various measures, covering a range of issues, from education and vocational training to employment proper:

(a) First, with respect to educational and vocational training measures, the Act provides that "education and re-education shall, as far as is possible, take place in ordinary educational establishments, or, failing that, in

specialized establishments" (art. 10); and lays down the general rule that "vocational training of the disabled must give them the capacity to exercise an economic activity enabling them to use their vocational skills and aptitudes" (art. 11). They may receive that training with non-disabled workers, and in the same conditions as apply for such workers. Article 11 adds that "disabled persons who, because of the nature or seriousness of their disability, cannot receive that training in the company of non-disabled persons, shall be sent to specialized vocational training centres";

(b) Next, with respect to measures concerning employment proper, after affirming the principle that "disability shall not constitute an impediment to a citizen's gaining access to an employment if he has the necessary aptitudes to perform it" (art. 13), the Act establishes a series of positive protection measures, including the obligation for any private or public enterprise subject to the provisions of the Labour Code and with at least 100 employees "to set aside 1 per cent of its posts for disabled persons ..." (art. 15 bis).

3. Right to work and abolition of discrimination in employment

77. On 20 August 1959 Tunisia ratified ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, which commits all States to "declare and pursue a national policy designed to promote equality of opportunity with a view to eliminating any discrimination" regarding access to training, employment, promotion, job security and remuneration for work of equal value. On 2 July 1968 it also ratified Convention No. 100 concerning the more specific question of equal treatment of the male and female workforce for work of equal value. As a result of the latter ratification, the legislature found it necessary to harmonize the wages of women working in agriculture with those of men in the same category, thereby ending the system of a 15 per cent abatement on women agricultural workers' wages.

78. It should also be pointed out that Act No. 94-29 of 21 February 1994, reforming the Labour Code, introduced a new article 5 bis clearly setting forth the principle of non-discrimination between men and women in the application of the principles of the Labour Code, which covers all aspects of work (recruitment, remuneration, conditions of work, vocational training, etc.), and of the Code's implementing texts.

79. More generally, going beyond the specific context of work, it is worth noting that on 21 November 1967 Tunisia ratified three United Nations conventions: the 1952 Convention on the Political Rights of Women, the 1957 Convention on the Nationality of Married Women, and the 1962 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. On 21 November 1983 it also ratified the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, both of which also include the commitment to eliminate discrimination against women in their respective fields. Lastly, Tunisia has ratified the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly on 18 December 1979, the standard-setting international instrument of general scope in the matter.

(a) Establishment of the principle of non-discrimination

(i) In employment matters

80. The General Statute of Officials of the State, Local Authorities and Administrative Establishments (SGPE), the General Statute of Staff of the Public Industrial and Trade Offices and Institutions and of Companies whose Capital is held directly or entirely by the State or by the Local Authorities (SGAO), the Labour Code and the Employment and Training Agreement recognize the principle of non-discrimination between the sexes and set forth specific rights for women. In its article II, the SGPE (Act No. 83-112 of 12 December 1983) provides that "no distinction shall be made between the sexes in the application of the present Act." It also provides for postnatal maternity leave, which may be followed, at the woman's request, by four months' leave on half pay. The text also introduces, again for mothers who so wish, the possibility of taking leave in order to educate children under six years of age or those suffering from severe disability. Lastly, the SGPE gives women the right to work part-time and to take early retirement.

81. Article 4 of Act No. 85-78 of 5 August 1985 also specifies that "no distinction shall be made between the sexes in its application."

82. These same provisions are also to be found in the sectoral collective agreements. The Labour Code and the Framework Collective Agreement, like the SGPE, have also established specific measures for women aimed at reconciling their social role as mothers with their role in working life as agents of development.

83. Moreover, Tunisia has long adhered to the principle of non-discrimination between men and women in employment matters, by its ratification of several ILO Conventions setting forth that principle, including:

- Convention No. 45 concerning the Employment of Women on Underground Work in Mines of all Kinds, ratified in 1957;

- Convention No. 89 concerning Night Work of Women Employed in Industry, ratified in 1957, and its 1990 Protocol, ratified by Tunisia on 30 November 1992;

- Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, ratified in 1959;

- Convention No. 122 concerning Employment Policy, ratified in 1966;

- Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, ratified in 1968;

- Convention No. 117 concerning Basic Aims and Standards of Social Policy, ratified in 1970.

84. In the framework of consolidation of women's acquired rights and the evolution of legislation to advance women in civil society, new measures were

taken by the President of the Republic on 13 August 1992, on the occasion of Women's Day:

(a) Inclusion in the Labour Code of provisions expressly establishing the principle of non-discrimination between men and women in the application of the Code's provisions (which cover all aspects of work, including recruitment, remuneration, conditions of work, vocational training, breach of the contract of employment) and of its implementing texts;

(b) Deletion of those provisions of the Labour Code likely to be regarded as discriminating against women; and, in particular, amendment of its article 135 dealing with the guaranteed minimum agricultural wage (SMAG) - although it should be noted that in practice there is no discrimination, in compliance with ILO Convention No. 100, ratified by Tunisia, which establishes equal remuneration for men and women;

(c) Restoration of nursing sessions for women civil servants not on maternity leave.

(ii) In vocational training matters

85. Under article 339 of the Labour Code, the scope of application of vocational training, in all its aspects, covers young men and young women alike. In this context, in a speech given on 13 August 1992 the President of the Republic stated that, in order to "promote work by women and open up horizons for them in all areas, we recommend the institutions responsible for vocational training to remove all the obstacles facing them and to enable them to have access to every opportunity for specialization in the various trades and professions."

86. The Ministry of Vocational Training and Employment, whose general task it is to secure implementation of the Government's policy in this area, along with the appropriate institutional framework as a whole, ensures strict application of that equality so that it is actually experienced by women and girls in terms of the benefits offered by the national apparatus for vocational training and job provision.

(b) Jobs reserved for or inaccessible to women

87. The Investment Code, the Labour Code and collective agreements contain no provisions reserving certain jobs for women or prohibiting women from access to certain jobs. However, in its concern to protect women's health and in application of ILO Convention No. 45, the Underground Work (Women) Convention, ratified by Tunisia in 1957, article 77 of the Labour Code prohibits the employment of any female, regardless of age, in underground work or recovery of scrap metal.

(i) Equal remuneration

88. Since 1968 Tunisia has adhered to the principle of equal remuneration for male and female workers for work of equal value, by ratifying ILO Convention No. 100, the Equal Remuneration Convention. The collective agreement signed on 20 March 1973 - the provisions of which are also to be found in the sectoral

collective agreements - expressly sets forth in its article 11 the principle of non-discrimination in professional grading or remuneration.

89. With respect to professional grading, account is taken of certain objective criteria such as level of education, diplomas and professional experience. The same is true of salary scales, which establish hourly or monthly wages on the basis of the category of worker and seniority in the grade, without reference to the employee's sex.

90. The break with the old stereotypes and prejudices concerning apportionment of employment between the sexes is not only a matter for the law, but also the result of a necessary change in attitudes. Thus, actions by the public authorities, by specialized institutions that have been established (such as the Centre for Research, Study, Documentation and Information on Women - CREDIF), and by the Tunisian associations, has been guided and given constant support by a coordinated and concerted national strategy to inculcate in the population as a whole and in decision-makers the values and principles that promote equality of treatment and genuine access by women to the various sectors of activity, and in particular their right of access to the various levels of employment.

(ii) Promotion of employment without discrimination against women

91. Besides the legal mechanism, and as part of the process of promoting employment by linking it more closely with vocational training, some measures have already been taken, and others are envisaged, to benefit both boys and girls. These measures are set out in detail in chapter 11 (concerning article 11) of the report submitted by Tunisia to the Committee on the Elimination of Discrimination against Women (CEDAW) in January 1995.

4. Right to work and protection against termination

92. Replacing a Recommendation (No. 119) adopted in 1963, ILO Convention No. 158, 1982, concerning Termination of Employment includes a whole range of measures to protect persons against dismissal, both as to the substance (necessity for valid grounds relating to the employee's conduct or based on economic, technological, structural or other similar reasons; unlawfulness of grounds connected with trade-union membership and exercise of other fundamental rights, etc.); and as to the procedure and the effects of dismissal (evidence, prior notification, compensation for dismissal and other forms of income protection). Tunisia has not ratified ILO Convention No. 158, but its legislation reflects the main concerns in that connection.

(a) Need for a valid reason for dismissing a worker

93. Tunisian legislation permits dismissal only for valid reasons. Under article 14 ter of the Labour Code (added by Act No. 29 of 21 February 1994), "dismissal without real and serious justification or in the absence of compliance with the statutory procedures or those established in regulations and agreements, shall be regarded as unfair." Article 14 of the Labour Code established a list of serious offences which, depending on the circumstances in which they were committed, may justify dismissal. The list of offences is the same as that adopted by the social partners in collective agreements (art. 37 of the Framework Collective Agreement as modified by the additional agreement of

15 October 1992). Dismissal on economic or technological grounds is subject to a special procedure.

(b) Guarantees to dismissed workers

94. Tunisian legislation offers guarantees to workers who are about to be dismissed. For instance, it deems dismissal on disciplinary grounds without compliance with the disciplinary procedure to be unfair. That procedure is established in the collective agreements, with a view to protecting the worker (requiring him to appear before a Disciplinary Council consisting of an equal number of the employer's and workers' representatives, and according him the right to present his defence in a written statement and to be assisted at the Disciplinary Council by a worker of his choice or by a representative of his trade union, and by lawyers).

95. In cases of dismissal on economic or technological grounds, a special procedure must be followed. The law obliges an employer wishing to dismiss or lay off all or part of his permanent staff for economic or technological reasons first to inform the Labour Inspectorate, which must then attempt to conciliate the parties. Should conciliation fail, the Labour Inspectorate convenes the Commission on Control of Dismissals, which gives its opinion on the desirability of the dismissal or layoff and on the appropriateness of compensation for dismissal. The Commission is chaired by the Head of the local Labour Inspectorate and includes a representative of the employers' association and a representative of the employee's trade union (art. 21 of the Labour Code).

96. It should also be pointed out that Tunisian legislation provides for special protection for certain categories of workers who are sometimes exposed to hazards on account of their duties. These include staff representatives (ibid., art. 166) and trade union representatives (sectoral collective agreements in the banking, insurance, perfume and cosmetics and other sectors).

97. Intervention by the Disciplinary Council or the Commission on Control of Dismissals is without prejudice to the right of the worker to bring a case before the competent courts.

98. The Industrial Tribunals have the broadest powers to decide on the basis of the facts of the case whether or not the dismissal was justified.

99. As the judge is not bound by the opinion of the Disciplinary Council or of the Commission on Control of Dismissals, it is for him, under article 14-4 of the Labour Code, to decide whether the causes of the dismissal were genuine and serious and whether the statutory procedures or those set out in the agreements were complied with, on the basis of the evidence submitted to him by the two parties to the dispute. For this purpose, he may order any measure of investigation he considers necessary.

(c) Right of the worker to compensation in case of unfair dismissal

100. Unfair dismissal entitles the worker, in addition to an end-of-service gratuity and compensation for failure to give the required notice, to damages to compensate for the harm suffered. The existence and extent of the harm resulting from the dismissal are assessed by the judge, taking account of such

factors as the worker's vocational qualifications, seniority in the enterprise, age, wage and family circumstances, the effect of the dismissal on his retirement rights, compliance with procedures, and the circumstances of the case (Labour Code, art. 23 bis).

B. Right to the enjoyment of just and favourable conditions of work: article 7 of the Covenant

101. Recognition of the right to work as an integral part of human rights implies the duty of every State to go beyond the requirements of employment policy and to offer more than simply measures to guarantee enjoyment of that right and stability for all workers, without discrimination. Since the Second World War, international awareness of the problems associated with conditions of work has grown, encouraged, inter alia, by the beneficial activities of international bodies - ILO foremost among them - to instil that awareness in the international community as a whole. Coordination and harmonization of States' labour legislation increasingly tends to go beyond economic contingencies so as to lay down minimum labour standards to safeguard human dignity.

102. Tunisia has not remained on the fringes of these developments. Reflecting the fundamental concerns in that area, the 1966 Labour Code brought together and conferred a new stamp on a series of texts, the earliest of which date back to 1910, concerning the various aspects of performance of work.

103. In parallel with this body of law, which is continually being enriched, one should note the contribution of the collective agreements, which in a number of areas enable the regulations to be adapted to the specific circumstances of the various sectors of economic activity. In this regard, the various aspects of these regulations can be grouped together under three main headings, providing the right to work with a real and human basis: first, guaranteeing fair and decent minimum wages; secondly, protecting health in the workplace; and thirdly, adaptation of working hours.

1. Right to fair and decent minimum wages

104. Tunisia has long adhered to the principle of fixing minimum wages, and ratified ILO Convention No. 26, concerning the Creation of Minimum Wage-Fixing Machinery, in 1957, and Convention No. 99, concerning Minimum Wage-Fixing Machinery in Agriculture, in 1959. Under article 134 of the Labour Code, "remuneration of workers of all categories shall be determined, either by direct agreement of the parties, or by way of collective agreement complying with the statutory minimum provided for by the legislation in force."

105. Tunisian legislation provides for the fixing of two minimum wages:

(a) The Guaranteed Minimum Inter-professional Wage (SMIG) for the non-agricultural sectors;

(b) The Guaranteed Minimum Agricultural Wage (SMAG) for the agricultural sectors.

A minimum wage equal to the SMIG or SMAG is guaranteed to workers on piece rates or yield rates.

(a) Economic activities covered by the system for fixing minimum wages

106. In Tunisia the minimum wage applies to all activities regulated by the Labour Code. In accordance with article 1 of the Code, these include industrial, trade and agricultural establishments and their dependencies, of whatever nature, whether public or private, religious or secular, even if they are of a professional or charitable nature; liberal professions, craft establishments, cooperatives, civil law partnerships, unions, associations and groupings of any kind.

(b) Adjustment of minimum wages

107. In order to maintain a minimum level of wages that allows the essential needs of workers and their families to be satisfied, minimum wages (SMIG and SMAG) have been adjusted annually, and sometimes biannually, every year since 1987 (the first year of the Seventh Economic and Social Development Plan.

(i) Wages in sectors governed by collective agreements

108. Following successive revisions of the collective agreements, these sectors have seen substantial increases in wages, increases which in recent years have taken the form of three-year programmes:

(a) The first programme for the period 1990-1992;

(b) A second programme for the period 1993-1995.

These increases have resulted in a growth in employees' purchasing power. Tunisia is thus one of the few countries to have concluded an agreement on wage increases extending over six consecutive years.

109. It should be noted that the social partners are currently negotiating to determine new bases for improving conditions of work, and to reach a new agreement on wage increases.

(ii) Public sector wages

110. The public sector, too, has seen a substantial increase in wages affecting all sectors of the civil service and public enterprises and extending over the entire period from 1987 to 1995 (1988 and 1989; three-year programme to increase wages from 1990; followed by another three-year programme from 1993).

(iii) Wages in sectors not governed by collective agreements or statutes

111. In its concern to divide up wealth equitably, the Government of the new era has decided to award wage increases in sectors not governed by collective agreements or statutes. Thus, all workers without exception have benefited from wage increases.

(c) Equal remuneration

112. Tunisian legislation enshrines the principle of equal remuneration for work of equal value without distinction of any kind, including distinction between men and women. It should be recalled that Tunisia has ratified ILO Convention No. 100.

113. The Framework Collective Agreement signed on 20 March 1973 expressly provides in its article 11 - whose provisions were also adopted in the sectoral collective agreements - for non-discrimination in professional grading and remuneration. Only objective criteria such as level of education, diplomas and work experience are taken into consideration in the professional grading of employees. Likewise, salary scales set out hourly or monthly wages on the basis of the category of worker and seniority within the grade, with no reference to the employee's sex.

114. It should also be noted that the Labour Code contains provisions concerning wage protection (arts. 139 to 151), which draw heavily on ILO Convention No. 95 concerning the Protection of Wages, ratified by Tunisia in 1958.

(d) Monitoring application of minimum wage provisions

115. Under article 170 of the Labour Code, officials of the Labour Inspectorate supervise application of the legislation, regulations and provisions of collective agreements governing labour relations or stemming therefrom, in all areas of economic activity regulated by the Code.

116. In view of the critical importance of the minimum wage, Tunisian legislation has provided two types of sanction for those contravening the legislation, regulations or provisions of collective agreements on the matter, namely:

(a) A criminal sanction consisting of a fine of between 24 and 60 dinars imposed in respect of each worker in the enterprise employed on terms contravening the various provisions. The fine is doubled for subsequent infringements (arts. 234 et seq. of the Code);

(b) An administrative sanction consisting of a contribution to the State budget (industrial accidents fund) in an amount equal to three times the amount of wage underpaid, without prejudice to any compensation to which the employee may be entitled (art. 3 of Act No. 66-27 of 30 April 1966 promulgating the Labour Code).

2. Health protection in the workplace: safe and healthy working conditions

117. Tunisia has long since developed a body of legal instruments which is constantly being enriched as a result of its accession to various ILO Conventions. No fewer than 23 Conventions specifically concerning various aspects of the risks associated with work have been ratified. They can be summed up under two general headings:

(a) First, Tunisian law is increasingly receptive to the theory of occupational hazards whereby automatic compensation is accorded for industrial accidents and responsibility is assumed for occupational diseases;

(b) Secondly, at the same time the legislature is conscious that a better policy would be, through appropriate preventive measures, to reduce considerably the risks of industrial accidents and occupational diseases and to establish minimum standards of hygiene, safety and health protection in the workplace.

(a) Compensation for industrial accidents and occupational diseases

118. Tunisia ratified ILO Conventions Nos. 12, 1921, and 17, 1925, concerning Workmen's Compensation for Accidents, on 25 April 1957, and Convention No. 18, 1925, concerning Workmen's Compensation for Occupational Diseases, on 30 December 1958.

119. It should also be recalled that risks associated with work were first regulated by Act No. 57-73 of 11 December 1957 "on the system of compensation for industrial accidents and occupational diseases". That Act was based on a compromise:

(a) It is flexible with respect to the conditions establishing liability, instituting automatic liability on the basis of the occupational risk: the employee benefits by virtue of the mere fact that the accident happened at work, or even during the journey to or from work, with no requirement to establish any negligence on the part of the employer;

120. (b) On the other hand, it is less advantageous with respect to the effects of liability, providing only for limited flat-rate compensation.

121. Conscious of that situation, by Act No. 94-28 of 21 February 1994 the legislature revised the system of compensation for injury caused by industrial accidents and occupational diseases, substantially improving benefits and payments to victims and their dependants and, in particular, simplifying the procedures for catering to the rights of those concerned.

(b) Risk prevention and health and safety standards

122. To list all the ILO Conventions on this question, including those ratified by Tunisia, would be an interminable task. We shall limit ourselves to a summary of the main thrust of the legislation contained in the Labour Code, which is of course constantly being updated.

(i) Health and safety standards

123. Various provisions, that are constantly being improved by additional regulations and agreements, impose measures to ensure that establishments are kept in a constant state of cleanliness and to provide the hygiene and sanitation necessary to safeguard the health of staff (ventilation, lighting, WCs, showers, cloakrooms, cleaning of premises, protective clothing, etc.).

124. Health and safety committees. Since the enactment of a decree of 20 June 1969, it has been mandatory to set up health and safety committees in certain enterprises, particularly those in which workers are exposed to the risk of occupational diseases, as defined in the Act of 11 December 1959 cited above. These committees, which operate as special committees of the works councils, are tripartite in structure: in addition to the representatives of management and staff, their members include health and safety officials, i.e. the in-house doctor, the regional health and safety information officer, the head of security and, where applicable, the establishment's social assistant; not to mention experts on prevention of industrial accidents and occupational diseases, whom the committee can consult at any time. Their powers are fairly extensive, and include advising on health and safety regulations and instructions, working to develop an awareness of occupational risks among staff, organizing training of fire and rescue teams, inspecting the establishment to ensure that health and safety provisions and instructions are being applied, conducting enquiries in the event of an industrial accident or serious occupational disease, etc.

125. Medical services (arts. 152 to 156 of the Labour Code). These are required in every enterprise with 40 or more employees - a figure that can be lowered by decree for certain categories of enterprise or regions - and their principal task is periodically to conduct medical examinations and checks on staff, in premises set aside for the purpose and provided with the necessary equipment, and to provide first aid or emergency care, administered by the in-house doctor assisted by a permanent nurse. Special rules also apply in certain activities with a higher risk of disease and contagion, where more thorough medical checks are permitted (art. 325 et seq. of the Labour Code).

(ii) Strengthening of preventive structures

126. In recent years a number of steps have been taken to improve conditions of work and to enhance protection against occupational risks so as to guarantee the safety of staff and reduce losses that may affect workers, the enterprise and the national economy as a result of industrial accidents and occupational diseases:

(a) Grouping together and strengthening of bodies dealing with health and safety at work, by linking the Directorate of Industrial Medicine and Occupational Diseases with the Ministry of Public Health (Decree No. 90-559 of 30 March 1990);

(b) Creation of the Institute of Health and Safety at Work by Act No. 90-77 of 7 August 1990. The Institute has been provided with the necessary resources;

(c) Creation of the Higher Council for Prevention of Occupational Risks (Decree No. 91-1761 of 25 November 1991). Its main task is to coordinate the activities of the various structures involved in prevention of occupational risks and to propose measures to strengthen the national occupational risks prevention policy;

(d) Publication of Decree No. 91-1936 of 16 December 1991, which provides the possibility for the National Social Security Fund (CNSS) to grant industrial enterprises concessional loans to finance projects to improve

workers' occupational health and safety conditions, such as improvement of work premises, installation of medical equipment to promote workers' health in the workplace, and the setting up of inter-enterprise medical units.

3. Adaptation of working hours

127. Limitation of hours of work, and rest and paid holidays are the two main manifestations of regulations that, in line with recent trends in international law, Tunisian legislation provides as an integral and a complementary part of labour law.

(a) Limitation of hours of work

128. Limitation of hours of work has been one of ILO's major concerns ever since it was set up. After the 8-hour day and the 48-hour week adopted in 1919 in industry then extended to commerce and offices, there was a gradual move towards adoption of the 40-hour week, proposed as the social standard to be achieved in Convention No. 47 of 1935, which did not enter into force until 1947 and has so far been ratified by only eight parties.

129. Tunisian legislation is broadly in harmony with the provisions of ILO Conventions Nos. 1 (1919), 30 (1930), and 47 (1935), and is constantly being improved by the provisions of sectoral collective agreements and specific statutes. All these texts aim not only at limiting the maximum number of working hours, but also at organizing the apportionment of working hours. Derogations from the maximum number of working hours are sometimes permitted.

(i) Limitation of maximum hours of work

130. While the general trend of regulation in Tunisia has been towards a reduction in working hours, the solutions adopted have not always served that objective, and have in fact varied with the economic, social and political circumstances. Referring only to the non-agricultural sectors, there has been a gradual move from a 10-hour day (decree of 15 June 1910) to an 8-hour day (decree of 23 June 1933). A decree of 4 August 1936 adopted the principle of a reduction in hours of work to 40 per week, a principle whose practical application in each sector of activity was made dependent on the adoption of Implementing Orders issued by the Resident General. A decree of 4 February 1937 was subsequently to rule that hours of work could be fixed at 48 per week, and must not exceed 9 hours per day.

131. After independence, the concern to develop the country did not allow for that trend to be pursued, and the Labour Code was to reproduce the basic features of the existing texts: a 48-hour week and a 9-hour day were established as the general rule, one that can, however, be reduced by decree to 40 hours per week in certain sectors (arts. 79 and 80 of the Labour Code). These arrangements, and the corresponding 48-hour or 40-hour systems, in fact vary according to the needs of the various sectors of activity. The collective agreements play a determining role in that regard, often allowing for the adoption of provisions more favourable to workers.

132. In the agricultural sphere, article 88 of the Labour Code sets the statutory maximum hours of work on an annual basis, with 2,700 hours per year

spread over 300 working days, an average of 9 hours per day and 52 hours per week.

(ii) Apportionment of working hours

133. An examination of the provisions of the Labour Code, of the orders issued by the minister responsible for determining working hours "by profession or by professional category" (ibid., art. 81), and of the provisions of collective agreements shows that, broadly speaking, there is a twofold concern in this area: first, to establish the number of working days per week, and secondly, to establish the number of working hours per day.

134. Number of working days per week. Three solutions are possible. The best, which seems also to be the one favoured by workers, is to limit the working week to 40 hours, consisting of five eight-hour working days, so as to give workers two consecutive days off. Another related possibility is to spread the working week over five-and-a-half days, so that Saturday afternoons and Sundays are holidays. The third possibility, increasingly rare in practice, is to spread working hours equally over six working days.

135. Number of working hours per day. The legislature's intention is to eliminate the requirement for workers to spend excessive hours at their place of work. Consequently, it has regulated the length of the working day, that is, the maximum number of hours between the beginning and the end of the working day, including breaks for rest.

136. Under article 89, subparagraph 4 of the Labour Code, the working day must be followed by a period of at least ten hours' uninterrupted rest. The length of the working day is thus 14 hours, with a maximum total rest period of 5 hours in the middle of the day. These periods of rest in the course of the working day are compulsory, and must each last at least one hour (art. 89, subpara. 1). They must be arranged so that a worker cannot be employed at a task for more than 6 consecutive hours per day without a break of at least half-an-hour (art. 89, subpara. 2). Lastly, article 89, subparagraph 3 covers cases where the actual time spent at work does not exceed seven hours in a day. In these cases, "work may take place without interruption".

(iii) Derogations from maximum hours of work

137. The legislature has had to provide for a number of derogations from the aforementioned rules, making it possible, as appropriate, to recover working hours lost collectively, to take account of the nature of certain work (permanent derogations), or to cope with exceptional workloads (temporary derogations). In addition, there is always the possibility for enterprises to have recourse to overtime in order to increase production.

138. Recovery of hours lost. Employers can increase normal hours of work so as to recover hours lost through collective interruptions of work. Under the provisions of article 92, subparagraph 1 of the Labour Code, the hours must be recovered within two months of the interruption of work, and shall be paid at the normal rate, unless the collective agreements provide for more favourable terms.

139. Nevertheless, the arrangement for recovery of lost hours cannot be applied either to overtime not performed for reasons beyond the employer's control or to hours lost as a result of a strike or lock-out, the latter case requiring agreement of the parties (art. 92, subpara. 3). Nor can hours be recovered in advance, as by definition recovery implies a prior interruption for which it is intended to compensate, even if the interruption is foreseeable, as in the case of a public holiday.

140. Lastly, some guarantees have been introduced in this area: first, the Labour Inspectorate must be given prior notification of collective interruptions of work and arrangements for recovering hours lost thereby (ibid., art. 92, subpara. 2); and secondly, the recovery of lost hours may not result in an extension of the working week to more than 60 hours except in the case of urgent work that must be carried out immediately to prevent imminent accidents or to organize rescue measures.

141. Permanent derogations. These affect certain workers in jobs that by their very nature cannot be performed or completed in normal working hours. They include preparatory or additional work that must of necessity be done outside the time parameters laid down for work in general, such as cleaning machinery that cannot be shut down while the factory is in operation, preparations for the work done on the premises, caretaking, surveillance and transportation (ibid., art. 83, subpara. 2). For all workers employed on such tasks, the working day is extended to a maximum of ten hours, and the employer is also required to mention on the tables of working hours displayed in his establishment, and to communicate to the Labour Inspectorate, the names of the employees to which those derogations apply.

142. Temporary derogations. These serve a different purpose, being intended to meet exceptional needs or an exceptional workload, and allow the employer to employ workers for up to ten hours of actual work a day. Article 83, subparagraph 1 of the Labour Code refers by way of example to urgent work following accidents, repairs or rescue operations. An employer who, in accordance with the Minister of Labour's order concerning his occupation, intends to avail himself of these temporary derogations, is required to send the Labour Inspectorate beforehand "a dated declaration by registered mail specifying the nature and cause of the derogation, the number of employees whose working hours are to be extended, the days on which such derogations will apply, the hours of work and rest provided ..." (ibid., art. 87, subpara. 1).

143. Compensatory time off. As well as fixing the maximum number of hours subject to temporary derogation at 100 hours per annum, article 83, paragraph 1, subparagraphs 2 and 3 of the Labour Code provide for a system of mandatory compensation in the form of time off in lieu in the course of the year. The compensation is given by reducing the working day by at least one hour. If it is not taken in the course of the year, it must be taken during the first half of the following year, before any new derogations are applied.

144. Overtime. Here, normal working hours are increased for different reasons. The purpose is neither to recover hours lost collectively nor to meet exceptional or imminent needs of the enterprise. Instead, the considerations are of an economic nature.

145. The system operates on two levels. First, there is overtime as defined and limited by the orders fixing the duration of work by occupation, which require the employer simply to notify the Labour Inspectorate. Secondly, overtime is also granted with a view to increasing production, and this is subject to more stringent control, inter alia, because of its impact on employment. In this case, prior authorization is required, and is granted by the Labour Inspectorate only on an opinion of the trade unions concerned (ibid., art. 91).

146. Another restriction concerns the number of hours' overtime that staff can be required to work: it cannot raise "weekly working hours to over 60, not including hours subject to permanent derogation, except in the case of urgent work which must be carried out immediately to prevent imminent accidents or organize rescue operations" (ibid. art. 93. subpara. 1).

147. Furthermore, with the same intention of safeguarding employment, provision is made for the possibility, in the case of unemployment, of suspending use of overtime in certain occupations following an opinion of the trade unions concerned. "The decision shall be taken by order of the Minister of Labour when the question affects the whole territory or one or several regions; it shall be taken by the Divisional Labour Inspector when it concerns only individual establishments." (Ibid., art. 93, subpara. 2.)

148. There is also the question of remuneration for overtime. A system of higher wages is applied, varying in accordance with the hours of work normally applicable:

(a) In activities where the 48-hour week is applicable, hours worked over that limit are paid at a uniform rate of 175 per cent of the normal rate (ibid., art. 90, subpara. 1);

(b) In activities where the 40-hour week is applicable, there are two bands: from the 41st to the 48th hour, each additional hour is paid at no less than 125 per cent; beyond the 48th hour, each additional hour is paid at a rate of at least 150 per cent (ibid., art. 90, subpara.2).

(b) Weekly rest and paid holidays

149. The right to work implies the right to rest. In this respect, laws and collective agreements go beyond simply limiting working hours, and also offer workers whole days of rest as a break from their labours. These periods of relaxation are also to be diversified: in addition to weekly periods of rest and public holidays, there are also paid holidays allowing for fuller relaxation.

(i) Weekly rest and public holidays

150. Weekly rest. Tunisia ratified ILO Conventions No. 14, 1921, and No. 106, 1957, concerning Weekly Rest, on 25 April 1957 and 2 April 1958 respectively. The principle here is that this period of 24 consecutive hours' rest takes place at the end of the week simultaneously for all workers. It reflects both a psychological and a social need, in that it allows the body to relax fully and also permits the development of family, cultural and community life.

151. On this point, it will be noted that unlike western legislation, which has opted for Sunday as a day of rest, thereby establishing it as an indisputable sociological phenomenon in all societies with a Christian tradition, Tunisian legislation has established a special rule giving each enterprise the choice between Friday, Saturday and Sunday as a day of rest (ibid., art. 95). The choice accorded to enterprises may sometimes be overruled by a decision regarding the day of rest imposed by the Minister of Labour. However, the Minister intervenes only following a request to that effect submitted to him either by a majority of heads of enterprises of the same corporation, or by the employers' organizations or trade unions most representative of the occupation in question (ibid., art. 97, subpara. 1).

152. Public holidays. These are whole days of rest awarded to enable people to celebrate, in a spirit of joy or contemplation, religious, historical or social events. Their particular feature is that in principle they entail no suspension of wages, whether the worker is paid on a monthly, weekly, daily or hourly basis, for piece work or by yield. However, the list of paid public holidays varies substantially between the public and private sectors. While the State bears the cost of wages and supplementary social charges for no fewer than 14 days when work is suspended (decree No. 1447 of 31 December 1987), to enable public officials to celebrate a variety of religious, political and social holidays, private enterprises would find it difficult to support such charges, which place a substantial burden on production costs. Only 20 March, 1 May, 25 July, 7 November and the feasts of Aïd El Fitr and Aïd El Idha are declared paid public holidays (new art. 445 of the Labour Code, amended by Act No. 91-15 of 25 February 1991). It should be noted, however, that collective agreements and custom generally allow for other days to be added to this list, with a view to harmonization with the public sector.

153. Lastly, some enterprises whose activities cannot be halted have the possibility of requiring their employees to work on paid public holidays. Additional compensation equivalent to the amount of the wage for the work done must then be paid to each employee (art. 109 of the Labour Code).

(ii) Paid holidays

154. Ratified by Tunisia on 25 April 1957, ILO Convention No. 52, 1936, concerning Annual Holidays with Pay, aims at freeing workers from the state of physical fatigue and nervous tension inherent in work, and thus at according them a holiday extending over several consecutive days, enabling them to get away from their place of work in order to give free rein to their aspirations for leisure and relaxation and to deal in an atmosphere of greater calm with family matters, for which they have little time to spare throughout the rest of the year. To achieve this, it is not enough to allow them to stop working for a while; they must also be guaranteed continuing remuneration, as the only way of ensuring the effectiveness of the institution of paid holidays.

155. This modern institution was introduced in Tunisia as early as 1963 (by a decree of 4 August), that is, the same year in which it was set forth in an ILO Convention. The matter is now covered in articles 112 to 133 of the Labour Code, to which must be added the beneficial provisions of the Framework Collective Agreement (art. 30 et seq.) and of the sectoral agreements, intended

either to increase the statutory length of paid holidays or to extend the list of special holidays.

156. The statutory length of paid holidays is one day per working month, with the maximum not exceeding 15 days, and this is increased for certain workers, being doubled in the case of young workers under 18 years of age and extended to 18 days for some senior workers (art. 113 of the Labour Code). In fact, the maximum length is often exceeded, and a holiday of at least one whole month is becoming the established norm as a result of collective agreements and other special statutes.

157. As for the period in which the holiday falls, this is in principle determined by the collective agreements or the enterprise's internal regulations. In the latter case, the employer must be guided by custom, and after consultation with staff representatives he is obliged to arrange for the holiday to fall between 1 June and 31 October each year, and to display each worker's holiday authorization in a public place (ibid., art. 117).

158. Special holidays. These are additional to annual periodic holidays, and consist of occasional or exceptional holidays associated with particular events. The list of such holidays contained in the Labour Code is a short one, but is often extended by collective agreements to include events as diverse as the birth of a child (one working day), the death of a spouse or of a dependent child (two days), the death of a direct forebear or of a child no longer dependent (two days), the death of a brother, sister or grandchild (one day), and the employee's marriage (two days) (art. 31 of the Framework Collective Agreement). In all these cases the employee is entitled to retain his or her full wage.

C. Right to work and the democratic ideal: freedom of association and participation: article 8 of the Covenant

1. Guarantees and protection of the right to organize

(a) Ratification of ILO Conventions

159. On 25 April 1957 Tunisia ratified Convention No. 11, 1921, concerning the Right of Association (Agriculture) and Convention No. 98, 1949, concerning the Right to Organize and Collective Bargaining. On 11 June 1957 it ratified Convention No. 87, 1948, concerning Freedom of Association and Protection of the Right to Organize.

(b) Extent of freedom of association

(i) Freedom to form trade unions

160. Tunisian legislation sets forth the freedom to form trade unions. Article 242 of the Labour Code provides that "trade unions or associations of persons exercising the same occupation, similar trades or related occupations contributing to the establishment of specific products, or the same profession, may be freely constituted." No authorization by the public authorities is required in order to set up a trade union. The only requirement is that steps be taken to notify the public authorities that the trade union has been

constituted: the founders of a trade union must simply deposit its statute and a list of its leading officials or administrative staff at the headquarters of the governorate or delegation (délégation: the main subdivision of a governorate) in which the trade union has its head office (art. 250 of the Labour Code).

(ii) Right to constitute unions or federations of trade unions

161. Trade unions may form themselves into unions or federations according to the same rules applicable to the formation of trade unions (ibid., art. 252). There are three such unions in Tunisia: the Union générale tunisienne du travail (UGTT), a workers' organization; the Union tunisienne de l'industrie, du commerce et de l'artisanat (UTICA), and the Union tunisienne de l'agriculture et de la pêche (UTAP), both employers' organizations. These organizations are free to join international organizations. UGTT is an active member of the International Confederation of Free Trade Unions (ICFTU), of the International Confederation of Arab Trade Unions, and of the Organisation des Unions des Syndicats Arabes. UTICA is a member of the International Organization of Employers and of African and Arab employers' organizations.

(iii) Freedom to join or leave a trade union

162. Article 5, paragraph 1, of the Framework Collective Agreement, whose provisions are based on those of ILO Convention No. 87, proclaims workers' freedom to join a lawfully constituted trade union organization and prohibits any employer from taking account of membership or non-membership of any trade union organization when taking any decision regarding an employee.

163. Article 254 of the Labour Code grants any member of a trade union the right to leave it at any time. The rules concerning persons permitted to form unions are very liberal. No statutory minimum number of members is required to form a trade union. There is no qualifying condition. Minors aged 16 may join trade unions without special authorization unless the father or guardian lodges an objection (ibid., art. 242).

(iv) Freedom to function freely

164. Tunisian legislation guarantees trade unions freedom to function freely. The Labour Code contains no provisions concerning methods of managing the trade unions' administrative and financial affairs, procedures for electing persons responsible for their administration, organization of their activities and preparation of their programmes. These matters are regulated by the trade-union organizations' statutes and internal regulations.

165. To enable trade unions to perform their role, Tunisian legislation accords them a broad range of guarantees and facilities, including the granting of legal personality (ibid., art. 244), the right to enter into contracts (art. 247), the right to bring or defend proceedings (art. 244), the right to acquire movable and immovable property without authorization (arts. 244 and 245), freedom from attachment of goods necessary for their functioning, and dissolution of a trade union only following a decision of its general assembly or a court decision (art. 256).

166. The collective agreements also extend a range of facilities to trade-union delegates for the exercise of trade-union activity in the enterprise. These include:

(a) The obligation for the employer to recognize a lawfully constituted trade-union organization;

(b) Reception by the employer of trade-union delegates once a month at their request and whenever urgent matters arise;

(c) Crediting of hours to trade-union delegates carrying out their functions and participation in training courses organized by the trade-union organization;

(d) Availability to trade unions of notice-boards in the places most frequented by workers;

(e) Availability to trade unions of premises furnished by the enterprise to the extent of its resources;

(f) The possibility for the trade union to hold general meetings with employees in the workplace outside working hours;

(g) The possibility for trade union delegates recently entrusted with a trade-union mission or elected as permanent delegates of the staff trade union or temporarily attached to the trade-union organization to be placed at the disposal of the trade union on full wages, partial wages or without wages, with the prior agreement of the employer.

(v) Restrictions on exercise of the right to organize

167. The right to organize is guaranteed by the Tunisian Constitution and, under its article 7, can be limited only by a law enacted to protect the rights of others or to safeguard public order, national defence, the development of the economy and social progress.

(vi) Categories of worker not enjoying the right to organize

168. Only those categories of State official covered by ILO Convention No. 87 (namely, military personnel and internal security forces) are excluded from enjoyment of the right to organize. Other categories of official enjoy that right. There are a number of State officials' trade unions in Tunisia, and they are affiliated to the employees' trade-union federation, the UGTT.

2. Promotion of collective bargaining

169. The Tunisian Government accords particular importance to collective bargaining, as it constitutes an effective means of securing social dialogue and an instrument with which to involve workers and employers in determining conditions of work. In addition to ILO Conventions Nos. 87 and 98, which Tunisia has ratified, the Labour Code devotes an entire chapter (arts. 31 to 52) to collective agreements. Moreover, since the introduction of the contractual policy on 20 March 1973, the date on which the Framework Collective Agreement

was signed, the number of sectoral collective agreements has increased constantly. At present there are 46 such agreements covering the majority of non-agricultural economic activities subject to the Labour Code, as well as a number of collective agreements for establishments.

(a) Revision of the Framework Collective Agreement

170. This agreement, which covers all non-agricultural sectors subject to labour legislation and was concluded on 20 March 1973, has twice been revised, on 17 November 1984 and 15 October 1992. This collective agreement and its two amending additional agreements have contributed to the development of labour legislation on a number of questions such as the right to organize, discipline, and staff representation in enterprises.

(b) Revision of sectoral collective agreements

171. These agreements have been regularly revised several times in recent years. The revisions have provided important opportunities for social dialogue. The first revision in 1983 was followed by a second revision concerning wages, implementing the agreement concluded between UGTT and UTICA on 21 February 1989. The third revision was virtually comprehensive, concerning wages and a number of regulatory matters, illustrating the agreement reached by the two professional organizations on 17 February 1990. Lastly, the most recent revision, in implementation of the agreement concluded on 23 February 1993, was global in character, and led to the introduction of a number of amendments to the provisions of the collective agreements, including, inter alia, wages, the right to organize, discipline, trial periods, health and job security.

(c) Service regulations for public-sector officials

172. The scope of collective bargaining has been broadened to include the service regulations of public-sector officials of all categories: the general staff regulations for the civil service and public enterprises, and the special regulations for civil service staff and staff of public enterprises.

D. Right to social security: article 9 of the Covenant

173. Tunisia has not acceded to ILO Convention No. 102, 1952, nor to subsequent Conventions on the matter (Nos. 121, 128, 130 and 168). However, its legislation is broadly in harmony with those international instruments.

1. Broadening of social security coverage

174. At independence, social security coverage extended only to established civil servants and established staff of administrative public institutions, local public authorities, staff of some public enterprises and some categories of employee in the structuralized private sector (family allowances scheme, contractual retirement plan). Since then, the legislature has set about broadening coverage to the maximum, so as to encompass virtually the entire employed working population. Act No. 85-12 of 5 March 1985 provided for its extension to include all public servants regardless of their status, method of remuneration, sex or nationality.

175. In the private sector, Acts Nos. 60-30 and 60-33 of 14 December 1960 paved the way for an integrated system of social security coverage for non-agricultural private-sector employees. Subsequently, coverage was extended to virtually the entire employed working population: to students (1965), fishermen, including small ship-owners and self-employed fishermen (1977), agricultural employees (1982), agricultural and non-agricultural self-employed workers, Tunisian workers abroad without coverage (1989), employees in the developed agricultural sector (1989), and young people on vocational courses. Following this, Tunisia created a system for coordinating the rights of persons subject to differing statutory old-age, disability and survivors' insurance schemes (1990). Conditions for the granting of loans by the social security funds were also harmonized, and certain requirements of the retirement pensions scheme in the non-agricultural private sector were brought into line with the public-sector retirement pensions scheme.

176. As for compensation for injuries resulting from industrial accidents and occupational diseases, it will be remembered that the system established by Act No. 57-73 of 11 December 1957 has been totally revised so as to improve the level of coverage and social benefits for victims or their widows and orphans. The revision is also intended to simplify procedures for regulation of rights, and to ensure that the requisite interest is accorded to the question of risk prevention (Act No. 94-28 of 21 February 1994 cited above).

177. Extension of the scope of social security schemes has also made it possible to grant ad hoc aid to employees laid off for economic reasons (1982), and to contribute to the costs of day-care in nurseries (1994).

178. Similarly, the National Social Security Fund (CNSS) has been given responsibility for managing the alimony and maintenance payments guarantee fund.

179. The effective rate of coverage of social security is now over 72 per cent, and will have risen to 75 per cent by the end of the Eighth Development Plan (1996).

180. In the area of health, contributions by the social security funds have risen so as to increase the capacities of public and private health and hospital facilities. The assistance they receive in improving Tunisian medical skills and developing technical equipment in these establishments has been stepped up, to the greater benefit of those insured. Several agreements have been concluded between the funds and these establishments with a view to their bearing the costs of complex surgical operations and care, and also with a view to improving the work of the six CNSS polyclinics located country-wide.

181. In the sphere of the economy, efforts have continued with a view to alleviating social costs for enterprises in the context of encouraging recruitment and training of young people (1993). One measure adopted has been payment of employer's contributions for five years under the Investment Code.

182. In parallel, steps have been taken to protect the rights of persons working abroad, through agreements concluded with the main host countries. At present there are about ten such agreements, concerning workers in Algeria, Libyan Arab Jamahiriya, Morocco, France, Belgium, Netherlands, Luxembourg, Germany, Italy and Austria.

2. Reform of social security schemes

183. The social security system as a whole is currently being thoroughly reviewed with a view to putting in place the reforms needed to rationalize the benefits provided and safeguard and consolidate the schemes' sustainability and capacity to honour their commitments in the long term. The reform focuses on five areas:

(a) Extension of de jure and de facto social security coverage to encompass the entire working population, including those in the informal sector;

(b) Revision of social security benefits and conditions for granting thereof, to ensure greater harmonization between the various sectors while taking account of developments in insured persons' essential needs;

(c) Preservation of the system's financial stability over the long term to safeguard its viability;

(d) Adaptation of the management structure of the social security schemes to meet the imperatives of efficiency and cost compression;

(e) Adaptation of the system as a whole to developments in the economic and social climate and preservation of the role of social security in the achievement of development goals.

E. Protection of the family in general, including the right of mothers and children to special protection measures: article 10 of the Covenant

1. Promotion of the family

184. Since 1956 Tunisia has equipped itself with a body of modern legislation on the family, the Code of Personal Status (CPS), setting forth the principles of equality between the sexes and freedom of the spouses to conclude the marriage, and at the same time putting an end to the institutions of polygamy and repudiation that were recognized under the previous laws. Its subsequent ratification of a number of international conventions, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, led the legislature to adopt a number of reforms and measures to promote the family as a basic social structure with a view to making it aware of its primary responsibilities with regard to the development and prosperity of all its members, particularly the children. */

185. Legislation has been the chief instrument of the State's family policy since 1956. Following independence, the first concern of the country's leaders was to provide it with a system of laws to reorganize family life - including the relationship between the spouses - so as to propose a new model of the family based on principles of equal rights of men and women. Additionally,

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*/ See the reports submitted by Tunisia to the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child.

following the accession of President Zine El Abidine Ben Ali to the Supreme Magistrature, these family gains were consolidated by means of a body of institutional and legal provisions. The principle of compliance with the Code of Personal Status was reaffirmed by the National Pact and the Political Parties (Organization) Act prior to the July 1993 amendments to the CPS.

186. Tunisian law is aimed at promotion of the legitimate family founded on marriage, which is a purely civil contract without any religious overtones. It is established by notarial instrument drawn up by a registration officer in the presence of two witnesses so as to confer due solemnity on the institution of the family and to ensure that the marriage is publicized. The requirement for mutual consent of the future spouses, as one of the essential conditions for the validity of the marriage, has abolished the right of compulsion formerly available to the father or guardian, whereby they were permitted to marry off a daughter below or over the age of majority without her consent. As the age of majority is fixed at 20 years, a man and woman who have not attained majority may marry only with the consent of the guardian and, since the Act of 12 July 1993, of the mother, who is thus being accorded increasingly more rights where matters relating to the children are concerned.

187. Moreover, to ensure that marriages are contracted between mature persons, guarantee stable homes and put an end to the practice of under-age marriage, the Code of Personal Status fixes a minimum age for marriage: 17 years for women and 20 years for men. Beneath that age, marriage can take place only on an order of a judge delivered on serious grounds and in the perceived interests of both future spouses.

188. Another innovation introduced by the Act of 12 July 1993 is that minors aged 17 are emancipated on marriage, whereas formerly women choosing to marry at the age of 17 were deprived of legal capacity and remained under paternal guardianship.

189. One of the most important reforms introduced by the CPS is the abolition of polygamy and the imposition of criminal sanctions on any person contracting marriage before the dissolution of the previous marriage. The CPS has thus created a historic precedent in the Islamic world favouring a rational approach based on Ijtihad (exegesis) with a view to adapting Sharia (Islamic law) to the imperatives of the modern world. That prohibition, which places the man and woman on an equal footing, rehabilitates women in the family and society. Women can therefore now expect to see their rights further enhanced within the family. This question has been dealt with extensively in the report submitted by Tunisia to CEDAW.

2. Women at work

190. Several provisions of the labour legislation are intended to provide specific protection for women's health and safety.

(a) Women employees

191. The rules primarily target women employees, who benefit from specific legislation in addition to the general rules on health, safety and medicine at work applicable to all workers. The legislature has ratified ILO Conventions

No. 4, the Night Work (Women) Convention, 1919; No. 89, the Night Work (Women) Convention (Revised), 1948; and No. 45, the Underground Work (Women) Convention, 1935.

192. The Labour Code has taken up, and developed, the following provisions: prohibition of underground work and recovery of scrap metal (arts. 77 and 78); adaptation of premises in which women work (art. 75); prohibition of night work for a period of 12 consecutive hours which cannot begin after 8 p.m. or end before 6 a.m. (art. 66, subpara. 1), except as provided in article 68 (force majeure, posts of responsibility or management, social services); and a total ban on employment on paid public holidays, even for cleaning factory premises (art. 109).

(b) Protection of mothers

193. The rules also seek to ensure the protection of mothers, and are mainly to be found in chapter II, title I of volume II of the Labour Code, appropriately entitled "Protection of mothers". Protection consists, inter alia, in the right accorded to the mother to take maternity leave, and to interrupt her work in order to feed her baby (art. 64).

3. Children and work

194. Protection of children and young people at work is one of the fundamental pillars of contemporary labour law. It is affirmed by many international instruments, the most recent of which is the Convention on the Rights of the Child, adopted by the United Nations on 20 November 1989, article 32 of which obliges States to "recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development."

195. On 25 November 1991 Tunisia ratified the Convention on the Rights of the Child, which it had signed in 1989. It also ratified some ILO conventions which deal more specifically with the question. In this connection, the status of the child at work can be summarized under two main headings: the age at which a child can be employed; and how he will be protected while carrying out his work.

196. Difficulties sometimes arise at the level of application of the standards for protection of children at work. Hence the compelling need felt by the public authorities to take general preventive action in the form of educational and social interventions, so as to secure children against the risks threatening their security and development.

(a) Age for admission to work

197. ILO has adopted ten conventions concerning the minimum age for admission to employment, covering the various branches of activity and laying down a general norm, initially of 14, and subsequently of 15 years of age. By 1973 the time had come to codify these various instruments in a single convention, Convention No. 138 concerning Minimum Age for Admission to Employment, which is general in scope and obliges States to pursue a national policy designed to secure the effective abolition of child labour and progressively to raise the

minimum age for admission to employment to a level enabling young people to attain the fullest possible physical and mental development. The minimum age for admission to employment shall not be lower than that fixed for termination of compulsory schooling and in any case no lower than 15 years - or 14 as a transitional stage for underdeveloped countries. For unhygienic or dangerous occupations the minimum age is 18.

(i) Tunisia and the minimum age for admission to employment

198. Tunisia has ratified Convention No. 138, 1973, as it previously ratified Conventions No. 58, the Minimum Age (Sea) Convention (Revised), 1936; No. 59, the Minimum Age (Industry) Convention (Revised), 1937; No. 112, the Minimum Age (Fishermen) Convention, 1959; and No. 123, the Minimum Age (Underground Work) Convention, 1965. The provisions of the Labour Code are generally in line with the international regulations. Its article 53 sets forth the general rule that the minimum age for admission to employment shall be 15 years. Article 58 even provides for the possibility of establishing a minimum age higher than 15 by ministerial decree when it can be shown that the work is dangerous for the life, health or morals of the persons concerned.

ii) Derogations

199. The rule established in article 53 is also subject to exceptions lowering the minimum age for employment:

(a) Employment of children under the age of 15 is authorized in establishments in which only members of the family are employed, under the authority of the father, mother or guardian (art. 54);

(b) The age of admission is also lowered to 13 years in agriculture, "for work not harmful to children's health and normal development ..." (art. 55);

(c) Lastly, the minimum age is lowered to 13 in non-agricultural and non-industrial activities, i.e. commercial or craft activities. However, the maximum duration of work is limited to two hours a day for children aged 13-14, and to four-and-a-half hours for children aged 14-15.

(b) Protection of children at work

200. Integration of young people in enterprises is generally reflected in specific provisions to safeguard children's health. In this connection, Tunisia has ratified ILO Conventions No. 6, the Night Work of Young Persons (Industry) Convention, 1919; No. 77, the Medical Examination of Young Persons (Industry) Convention, 1946; and No. 124, the Medical Examination of Young Persons (Underground Work) Convention, 1965. The Labour Code takes up a number of these conventions' provisions: prohibition of night work; weekly rest and compulsory holidays not subject to derogation, an absolute ban on underground work, etc. Special medical examinations are also required to assess young people's aptitude for the work, up to at least the age of 20.

201. Decree No. 68-71 of 14 March 1968 establishes the conditions for employment of children aged 15 in light work in non-industrial and non-agricultural activities. Under the terms of this decree:

(a) Light work is work the performance of which does not require a physical or mental effort exceeding the normal capacity of a minor;

(b) Minors may not be employed in light work for more than six hours a day. They must have a certificate of aptitude for the work, issued by a doctor;

(c) It is forbidden to employ minors in handling excessively heavy burdens and making prolonged journeys.

202. Lastly, under article 170 of the Labour Code, labour inspectors supervise application of the provisions set forth in legislation, regulations and agreements governing labour relations, including those concerning employment of children. Similarly, medical inspectors are responsible, in coordination with the labour inspectors, for supervising application of the legislation concerning health and safety at work (ibid,. arts. 289 and 291).

203. To facilitate control, articles 59 and 73 of the Labour Code oblige employers to keep registers containing the names, dates of birth and working hours of children under the age of 18 together with all other information concerning the employment of children. These registers must be placed at the disposal of the labour inspectors.

(c) Prospects: towards a general prevention policy

204. If protection of children against economic exploitation is to be effective, it is not enough simply to "patch up" existing law. And, however wide-ranging the sanctions introduced in this area, they could prove insufficient unless backed up by a more general effort to prevent situations requiring protective measures. Conscious of this, the State is thus implementing a policy designed to secure the requisite complementarity between the objectives of social prevention and the need to promote new protective mechanisms.

(i) Social prevention (education and vocational training

205. Better prevention of economic exploitation of children undoubtedly involves redefining the role of educational and vocational training structures.

206. Tunisia and the right to education. Amidst a somewhat sombre vista of the state of education worldwide, particularly in the developing countries, Tunisia stands out generally as one of the countries that are applying a proactive and sustained policy in this area, partly thanks to the reforms of the education system which were brought together in Act No. 91-65 of 29 July 1991 (cited above). This provides, in particular, that "the State shall guarantee, free of charge, to all those of school age, the right to an education in school and shall offer all students, so long as they are capable of regularly pursuing their studies in accordance with the regulations in force, the maximum equality of opportunity in the enjoyment of that right ..." (art. 4). Article 7 adds an equally beneficial provision, under which basic education - the duration of

which is fixed at nine years by article 8 - "shall be compulsory from the age of 6 years until the age of 16 years for all students capable of regularly pursuing their studies...". */

207. The right to vocational training. Echoing article 28, paragraph 1 (d) of the Convention on the Rights of the Child, which invites States parties to "make educational and vocational information and guidance available and accessible to all children", as well as other relevant international instruments, including ILO Convention No. 142, 1975, concerning Vocational Guidance and Vocational Training in the Development of Human Resources (ratified by Tunisia on 27 June 1988), Tunisia has committed itself to giving a new boost to actions and programmes which have constituted a major concern of its economic and social policy ever since independence.

208. The recent creation of a new Ministry of Vocational Training and Employment shows the extent of the State's will to make the programmes available to the largest possible number of young people seeking qualifications, and to provide appropriately targeted vocational training in job-creating sectors, thereby guaranteeing young people genuine opportunities to acquire the qualifications they need in order to take up a job that is suitable for them. **/

(ii) New protection mechanisms

209. The Child Protection Code. Other mechanisms have recently been defined, including the Child Protection Code (Act of 9 November 1995), grouping together all the rights, initiatives and protective measures due to children, particularly those in vulnerable situations: victims of negligence, violence or sexual abuse; children threatened with social deviation and marginalization; children exploited economically, etc.

210. The Code introduces new protective instruments so as to make the rights of the child more effective and, in particular, to bring about the requisite complementarity between the objectives of social prevention and of legal protection:

(a) Establishment of a team of "child protection delegates" to intercede with families or any other person in charge of the child so as to prevent any form of harm or abuse threatening the child's security and development;

(b) Establishment of a duty, incumbent on every individual, to inform the child protection delegate of any compromising situations of which he or she may be aware;

(c) Definition of specific prerogatives for the delegate, enabling him to carry out the necessary investigations and evaluations and take appropriate

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*/ For fuller details see the passages relating to articles 13 and 14 of the Covenant.

**/ For fuller details see the passages relating to article 6 of the Covenant.

measures in the form of concerted agreements with the parents and the child concerned and, if need be, appropriate provisional emergency measures, with the requirement to bring the family before a judge in situations that cannot be settled by concerted agreements and that seriously affect the child's security and development.

F. Right to an adequate standard of living and protection of vulnerable categories: national strategy to combat poverty: article 11 of the Covenant

1. Guidelines

211. Tunisia has taken up the task of curbing the phenomenon of poverty and limiting its extent by adopting a two-dimensional integrated approach: priority economic action to ensure a level of growth which will facilitate the integration of the vulnerable in the production system and generate sources of income to provide the poorest social groups with a decent standard of living, together with accompanying social measures to furnish the hard core of poverty with social protection and special assistance, in particular by diversifying programmes and activities to help the categories having specific needs. The latest household budget and consumption survey, carried out in 1990, found 81,000 households living below the threshold of absolute poverty, i.e. a total of 544,000 people, corresponding to a poverty rate of 6.7 per cent as against 22 per cent in 1975. The distribution of the poorest people by socio-occupational category shows that the largest numbers are found in the categories of household in which the breadwinner is unemployed (19.2 per cent) or employed as a wage-earner in the farm (12.7 per cent) and non-farm (9.7 per cent) sectors.

(a) Priority economic action

212. The preferred approach is to control demographic growth, sustain the rate of economic growth, create as many jobs as possible and improve labour productivity, in particular by upgrading workers' qualifications.

(i) Controlling demographic growth

213. The control of demographic growth is an important component of the strategy to raise living standards in Tunisia. After a period of relatively high growth (an average of +2.2 per cent a year between 1961 and 1971 and +2.6 per cent up to 1986) the rate fell sharply to an annual average of only 1.9 per cent for 1986-1992. Furthermore, the annual population growth rate is expected to be 1.7 per cent for 1991-2001. This slowing-down is of course due to the policies carried out in the areas of health, education, advancement of the status of women, etc. It is also due to the introduction in the early years of independence of a family planning programme designed to regulate births.

(ii) Faster rate of economic growth

214. The performance of the Tunisian economy has helped to improve the country's living standards. The national per capita income rose on average by 11.4 per cent a year between 1971 and 1991, while the price index increase did not exceed an annual average of 7.5 per cent during the same period.

Movement of economic growth indicators

	1962-1971	1972-1976	1977-1981	1982-1986	1987-1991	1991-1995
GDP growth at constant prices (%)	5.2	8.5	5.6	3.0	4.2	
National p.c.i. at current prices (dinars), end of period	158	305	582	815	1,360	1,880
Growth of national p.c.i. at constant prices (%)	2.3	6.5	3.0	-0.2	3.3	3.2
Growth of private p.c. consumption at constant prices (%)	2.4	7.8	4.9	1.4	0.4	2.5
Investment rate (% GDP)	22.6	23.9	30.2	29.1	21.7	24.8
Current revenue (D1,000), end of period	253	640	1,967	2,483	5,416	
Debt rate (% GNP)	36.5	32.4	37.6	49.3	53.6	

Resources and jobs at constant 1990 prices

D1,000

	1991	1992	1993	1994	1995	1996
GDB at market prices	11,237.8	12,115.1	12,361.7	12,775.0	13,215.8	14,100.4
% increase	3.9	7.8	2.0	3.3	3.5	6.7
Imports of goods and services (inc. GAZODUC & MISKAR)	5,165.1	5,772.1	5,972.8	6,181.1	6,519.1	6,647.2
% increase	-5.6	11.8	3.5	3.5	5.5	2.0
Imports of goods and services (excl. GAZODUC & MISKAR)	5,165.1	5,612.3	5,757.4	6,012.7	6,398.4	6,647.2
% increase	-5.6	8.7	2.6	4.4	6.4	3.9
Total resources = Total jobs	16,402.9	17,887.2	18,334.5	18,956.1	19,734.9	20,747.6
% annual increase	0.7	9.0	2.5	3.4	4.1	5.1
Public consumption	1,856.2	1,913.2	2,005.9	2,044.0	2,135.6	2,218.9
% increase	4.9	3.1	4.8	1.9	4.4	3.9
Private consumption	6,968.2	7,445.7	7,691.4	7,963.5	8,255.2	8 685.0
% increase	1.3	6.9	3.3	3.5	3.7	5.2
Total consumption	8,824.4	9,358.9	9,697.3	10,008.4	10,390.8	10 903.9
% increase	2.0	6.1	3.6	3.2	3.8	4.9
GFFA (inc. GAZODUC & MISKAR)	2,687.4	3,112.0	3,441.9	3,322.1	3,223.7	3 379.2
% increase	2.0	15.8	10.6	-3.5	-3.0	4.8
GFFA (excl. GAZODUC & MISKAR)	2,687.4	2,880.1	3,036.1	3,106.6	3,162.0	3 378.2
% increase	2.0	7.2	5.4	2.3	1.8	6.8
Variation of stocks	221.4	372.2	-22.9	-242.2	118.3	166.3
Domestic demand	11,733.3	12,843.1	13,116.3	13,088.3	13,732.8	14 449.4
% increase	1.3	9.5	2.1	-0.2	4.9	5.2
Exports of goods and services	4,669.6	5,044.1	5,218.2	5,867.8	6,002.1	6 298.2
% increase	-0.9	8.0	3.5	12.4	2.3	4.9

Savings and external financing at current prices

D1,000

	1991	1992	1993	1994	1995	1996
GDP at market prices	12,028.9	13,705.9	14,649.2	15,904.1	17,256.0	19,239.1
Net external factors income	-467.9	-518.2	-638.7	-726.6	-818.4	-887.7
Gross domestic product	11,560.9	13,187.7	14,010.5	15,177.5	16,437.6	18,351.4
Net current external transfers	521.2	500.1	564.0	691.2	737.5	815.4
Gross disposable national income	12,082.1	13,687.8	14,574.5	15,868.7	17,175.1	19,166.8
Total consumption	9,497.7	10,654.2	11,482.4	12,380.8	13,605.3	14,980.3
National savings	2,584.4	3,033.6	3,092.1	3,487.9	3,569.8	4,186.5
Savings rate as % GNP	22.4	23.0	22.1	23.0	21.7	22.8
GFFA (inc. GAZODUC & MISKAR)	2,892.3	3,645.2	4,239.1	4,2433	4,366.9	4,806.4
Investment rate as % GDP	24.0	26.6	28.9	26.7	25.3	25.0
GFFA (excl. GAZODUC & MISKAR)	2,892.3	3,373.6	3,739.2	3,968.0	4,283.3	4,805.0
Investment rate as % GDP	24.0	24.6	25.5	24.9	24.8	25.0
Variation of stocks	234.8	356.3	29.9	-247.9	49.3	150.1
Current balance (inc. GAZODUC & MISKAR)	-542.7	-967.9	-1,176.9	-507.5	-846.4	770.0
As % GDP	4.5	7.1	8.0	3.2	4.9	4.0
Current balance (excl. GAZODUC & MISKAR)	-542.7	-758.7	-830.6	-267.0	-690.0	-770.0
As % GDP	4.5	5.5	5.7	1.7	4.0	4.0
Net external capital transfers	112.5	71.9	103.9	104.0	120.0	160.0
National financing requirements	-430.2	-896.0	-1,073.0	-403.5	-726.4	-610.0
Financial requirements/GDNI	3.6	6.5	7.4	2.5	4.2	3.2
Financial requirements/GFFA	14.9	24.6	25.3	9.5	16.6	12.7
Financial requirements/total current revenue	7.7	14.6	15.9	5.0	8.4	6.4
External debt	6,400.0	6,800.0	7,794.00	8,462.0	9,240.0	9,987.0
Debt rate as percentage GDNI	53.0	49.7	53.5	53.3	53.8	52.1
Debt service	1,149.9	1,173.3	1,337.5	1,445.0	1,565.0	1,705.0
Debt service/current revenue	20.5	19.1	19.9	18.0	18.0	17.9
Debt service/exports goods and services	23.7	21.7	22.6	20.4	20.4	20.3

Total current revenue	5,600.2	6,134.4	6,736.6	8,019.8	8,692.9	9,537.3
Exports goods and services	4,855.5	5,418.6	5,930.5	7,094.2	7,683.9	8,417.6

State revenue and expenditure

D1,000

	1991	1992	1993	1994	1995	1996
Fiscal revenue	2,462.0	2,809.3	3,078.1	3,281.5	3,925.0	4,100.0
% GDP	20.5	20.5	21.0	20.6	21.9	21.3
Direct taxes	503.6	563.3	700.6	737.7	830.0	915.0
Indirect taxes	1,921.4	2,201.9	2,333.5	2,493.6	3,007.0	3,040.0
Allocated fiscal revenue	37.0	44.1	44.0	50.2	88.0	145.0
Non-fiscal revenue	710.6	865.4	972.1	1,077.2	1,026.0	1,135.0
Oil revenue and gas royalties	315.0	352.2	315.4	316.0	312.0	342.0
Collection and grants	83.7	113.3	92.6	175.4	140.0	222.0
Allocated non-fiscal revenue	83.8	103.0	140.2	139.2	92.0	98.0
Other revenue	228.1	296.9	423.9	446.6	482.0	473.0
Total own revenue	3,172.6	3,674.7	4,050.2	4,358.7	4,951.0	5,235.0
% GDP	26.4	26.8	27.6	27.4	27.6	27.2
Borrowing	1,370.5	1,027.7	1,302.2	1,638.8	1,644.0	1,995.0
Internal	594.1	477.9	610.4	799.1	908.0	1,175.0
External	776.4	549.8	691.8	839.7	736.0	820.0
Total State resources	4,543.1	4,702.4	5,352.4	5,997.5	6,595.0	7,230.0
Debt service	1,144.0	1,174.4	1,463.8	1,754.0	2,065.0	2,382.0
Interest	421.1	457.2	530.4	561.0	697.0	772.0
Principal	722.9	717.2	933.4	1,193.0	1,368.0	1,610.0
Operation	2,414.0	2,603.4	2,814.5	3,021.2	3,235.0	3,462.0
Title I	1,765.7	1,968.9	2,127.4	2,354.0	2,634.3	3,219.0
FS and FC	648.3	634.5	687.1	667.2	600.7	243.0*
Capital expenditure	1,019.9	978.3	1,151.9	1,172.9	1,295.0	1,386.0
Direct investments and financial operations	658.9	748.3	881.4	945.3	1,020.0	1,086.0
Direct payments	361.0	230.0	270.5	227.6	275.0	300.0
Other expenditure	31.9	15.3	36.7	26.2	0.0	0.0
Total State expenditure	4,609.8	4,771.4	5,466.9	5,974.3	6,595.0	7,230.0
% increase	6.8	3.5	14.6	9.3	10.4	9.6
Budget deficit	714.3	379.5	483.3	422.6	276.0	385.0
% GDP	5.9	2.8	3.3	2.7	1.5	2.0
pm: GDP (current prices)	12,028.8	13,705.9	14,649.2	15,904.1	17,930.9	19,239.1

* Not including transfers from Title I for 1996.

215. The impact of economic growth on the poor population groups, although complex, can be shown by means of the following indicators:

(a) The SMIG for a 48-hour week rose by an average of about 9.5 per cent a year between 1971 and 1991, i.e. much faster than the increase in prices;

	1971	1976	1981	1986	1991	1995
48-hour SMIG	21.682	30.160	64.704	105.048	130.016	154.128
Daily SMAG	0.600	0.900	2.000	2.900	3.761	4.661

(b) The proportion of the population having per capita expenditure of 250 dinars or less has fallen by almost 60 per cent in real terms since 1975 (13.8 per cent in 1990 as against 35.3 per cent in 1975);

(c) Average expenditure has risen rapidly in both rural and urban areas.

Per capita expenditure (at 1990 prices)	1975 (%)	1980 (%)	1985 (%)	1990 (%)
Under 250 dinars	35.3	24.7	17.4	13.8
250-700 dinars	38.2	51.3	52.1	50.8
Over 700 dinars	26.5	24.0	30.5	35.4
Total	100.0	100.0	100.0	100.0

(iii) Employment policy

216. Employment policy is without doubt the central focus of social policy in general and of the national anti-poverty strategy in particular. Employment continues to be given priority in the development effort; this is demonstrated by the legal and institutional supports introduced to promote employment and by the diversity of the measures, which include training courses providing an introduction to the world of work, employment-training contracts, the national and regional development work-sites, the Employment and Training Fund, etc. There has also been a considerable effort to encourage investment, in particular for the establishment of several training institutions (API, APIA, AFI ...) and of a number of assistance funds to provide financing for the projects of small and medium-sized enterprises (FOPRODI, FONAPRA, etc.). In view of the expected level of economic growth, during the period of the Eighth Plan (1992-1996) it is intended that the whole of the additional demand for jobs will be satisfied. Such an objective represents a true challenge to the nation.

(b) Associated social action

(i) Common factors

217. The common factors explaining the decline of poverty in Tunisia are those which benefit all citizens by improving their living conditions and standard of

living in general. Essentially this means higher levels of school attendance and better health services, preservation of purchasing power, extension of social services, and improved housing conditions.

218. School attendance. Improved schooling and combating illiteracy have been priority goals of the economic and social development plans. This policy has required a constantly increasing education budget, which accounted for almost 5.8 per cent of GDP in 1993 as against 4 per cent in 1961. In addition to reaffirming the principle of free education and in order to give effect to the universal right to basic education embodied in the framework Act of 29 July 1991, the State will maintain a large programme of social assistance for children of poor families.

219. Better health. Public expenditure on health increased by an average of almost 15.5 per cent a year during the period 1972-1990, and the ratio of doctors to inhabitants fell from one doctor for 6,100 inhabitants in 1972 to one for only 1,593 in 1992. Furthermore, a system of free medical assistance has been introduced in order to enable poor people to use the health services. At present 116,800 needy families enjoy the advantages of the free-treatment card, which provides care entirely free of charge, and 694,000 other families can obtain access to the national health system by paying a token annual membership fee and making a modest contribution to the cost of their treatment.

220. Compensation. Since its establishment in 1970 the General Compensation Fund (CGC) has helped to reduce fluctuations in the prices of essential products and preserve the purchasing power of citizens, especially the poorest among them. Throughout the past two decades the CGC has thus constituted one of the fundamental tools of the State's social policy. At present, compensation subsidies cover an average of 17 per cent of the expenditure of low-income groups. Nevertheless, over the years the financing of the CGC has become a heavy burden on the State budget, requiring increasingly larger allocations for activities increasingly less relevant to the Fund's initial objectives. A CGC restructuring programme has in fact been implemented to control expenditures and redirect the Fund's support to the truly poor families.

221. Social services. The extension of effective social services and improvement of benefits to members of the system are major priorities of social policy in view of the decisive role of such services, not only in preventing the risk that a family will find itself destitute but also in guaranteeing the elderly a decent retirement. The authorities have therefore endeavoured to extend the scope of the various schemes, in particular to wage-earners and independent farm and non-farm workers, thus achieving almost total legal social cover of the employed population.

222. Improved housing: right to adequate housing. A major effort has been made to promote programmes for people in rural and urban areas living in unacceptable conditions. These programmes are implemented by means of a policy of loan

subsidies for the construction of low-cost housing which can cover up to 80 per cent of the cost, and by means of a policy of assisting people to build their own housing as part of specific projects, the most recent being the National Programme for Elimination of Primitive Housing (PNRLR), which provides for the construction of some 93,800 units over five years. In addition, the social security funds make loans for the improvement, construction or purchase of housing.

223. This strategy has produced improvements in the housing conditions in the poorer districts, and the proportion of primitive housing fell from 44 per cent in 1956 to 5 per cent in 1990. At present 2.7 per cent of households have poor accommodation, as against 8.8 per cent in 1988. This improvement is due in part to the implementation of the PNRLR, which has enabled 81,170 families to build homes on developed sites with services laid on; the rest of the programme, i.e. 12,680 units, will be completed over the next two years, bringing the number of households helped under this programme to 93,800 and the number of individual beneficiaries to 483,070.

224. In addition, three quarters of the population has an electricity service and 95 per cent has access to drinking water from the piped system, standpipes, wells and tanks.

Statistics on the housing situation in Tunisia
(census every 10 years)

	1984	1994
POPULATION		
Total population of Tunisia	6,966,200	8,785,364
Commune population	3,680,800	5,361,751 (61%)
Non-commune population	3,285,400	3,423,613 (39%)
HOUSING		
Number of units	1,313,100	1,870,100
• Occupied	-	1,594,900
• Unoccupied	-	275,200
Number of units in communes	725,800	1,212,200
Number of units outside communes	587,300	657,900
Annual rate of increase	2.8%	3.6%
Type of housing		
• Detached houses	192,500	520,300
• Arab houses (traditional)	932,000	1,187,800
• Apartments	72,500	110,700
• Modest dwellings	116,100	51,300
- Primitive	-	(34,700)
- Others	-	(16,600)

Statistics on the housing situation in Tunisia
(census every 10 years)

	1984	1994
HOUSEHOLDS		
Number of households	1,273,000	1,704,800
Average size (persons)	5.47	5.15
Number of households in communes	693,300	1,093,200
Number of households outside communes	579,700	611,600
Use of housing		
Number of units occupied		
• by single household	-	1,507,100
• by several households (197,700 households concerned)	-	87,800
Types of occupation		
Number of households owning their homes	1,004,500	1,395,200 (78.3%)
Number of households renting	160,400	236,800 (13.9%)
Other situations	108,100	132,800 (7.8%)
Indicators of improved living conditions		
Drinking water		
• % homes connected (SONED network and rural engineering)	-	64.0
• % households with drinking water	49.4	69.1
• % connections in communes	81.7	94.4
• % connections outsides communes	10.8	24.1
• Number of households obtaining water from a distance of more than 3 km	-	33,000
Electricity		
For dwellings		
• % provision of electric power	-	82.0
• % provision in communes	-	94.5
• % provision outside communes	-	59.3
For households		
• % with electricity supply	63.1	85.9
• % with electricity supply in communes	91.3	98.2
• % with electricity supply outside communes	29.3	63.7
Sanitation		
% dwellings connected to sanitation system		
• at the national level	29.9	39.5
• at the commune level	51.5	59.8
Other indicators		
Housing conditions		
• % households occupying single room	32.2	20.6
• % households occupying 2-4 rooms	64.0	73.8
• % households with kitchen	59.7	80.6
• % households using gas or electricity to cook	66.0	93.8
• % households with bathroom or installed shower	13.0	25.4

Statistics on the housing situation in Tunisia
(census every 10 years)

	1984	1994
Equipment		
Number of household with		
• car	121,000 (99.5%)	265,100 (15.7%)
• telephone	76,300 (6.0%)	256,900 (15.2%)
• TV	730,900 (57.41%)	1,333,400 (79.0%)
• radio and/or HIFI	719,500 (56.5%)	1,150,700 (68.2%)
• video	-	173,000 (10.3%)
• dish aerial	-	34,800 (2.1%)
• refrigerator	466,200 (31.9%)	933,800 (55.4%)
• cooker	-	625,500 (37.1%)
• washing machine	-	285,800 (16.9%)
Distance between home and public facilities		
% households having a primary school		
• within 2 km		82.4
• within 2-4 km		11.9
• over 4 km		5.7
% households having a secondary school		
• within 2 km		53.2
• within 2-4 km		15.7
• over 4 km		31.1
% households having a dispensary or primary health centre		
• within 2 km		63.2
• within 2-4 km		18.0
• over 4 km		18.8

Source: National Statistical Institute (1994 census).

225. Other measures taken to allow exercise of the right to housing. The 1988 housing strategy, which is undergoing revision, is aimed at promotion of low-cost housing, rehabilitation of the existing housing stock, simplification of the administrative procedures and reform of the housing financing system.

226. The provision of incentives to encourage the construction of low-cost housing and the establishment of sites equipped with services operates at various levels:

(a) The establishment of sites. A vast programme has been undertaken to provide improved sites for the poorest population groups (income below twice the

SMIG). The State grants beneficiaries loans for the purchase of land and construction of basic infrastructure;

(b) Construction of rental housing. The social funds (CNRPS and CNSS) and government offices have carried out a large number of projects for the construction of low-rent social housing in Tunis and the rest of the Republic. A study of the rental sector has been made by the Ministry of Infrastructure and Housing with a view to stimulating a debate and identifying the policies to be followed in the future.

227. Decree No. 74-33 of 21 January 1974 on organization and operation of the Housing Land Agency (AFH) authorises the Agency to recover unused land by compulsory acquisition (déchéance). The Ministry of State Property and Land Affairs will do likewise in the case of unused land belonging to the State. The 1995 allocation for the housing sector as such in the budget of the Ministry of Infrastructure and Housing was 55,900,000 dinars, distributed as follows:

FOPROLOS	43,000,000
FNAH	
• Housing improvements	2,900,000
• PNRLR	10,000,000
	55,900,000

(ii) Specific factors

228. The specific programmes are designed to assist and encourage the integration of poor people in the economic system. They may be placed in three categories.

229. Direct assistance programmes. The following non-exhaustive list may be cited:

(a) Food aid programmes, which are designed for children of preschool and school age and for rural girls and workers employed at the national development work-sites;

(b) The National Needy Families Assistance Programme (PNAFM), which benefits families having no income and whose head, in more than 50 per cent of cases, is a woman;

(c) Distribution of school supplies and funding of scholarships for pupils and students of poor families;

(d) Distribution of aid in cash and in kind to poor families to mark religious holidays;

(e) The system of free medical assistance;

(f) Reimbursement of fares in general and for school transport in particular, in addition to free transport for the disabled, reduced fares for young people, and the facilities provided for rural transport;

(g) Assistance for the integration of the disabled in economic and social life.

230. In addition, ad hoc assistance is provided to individuals or groups affected by disasters or accidents: death of the breadwinner, collapse of a house, fires, floods, drought, etc. The nature of the aid varies according to the needs: food, clothing, medicine, transport costs, shelter, etc. The aid furnished in cash and in kind often represents a contribution by all the national forces: State, NGOs, individuals. By virtue of its regional and local presence the Tunisian Social Solidarity Union (UTSS) often plays a key role in the implementation of direct assistance activities.

231. Action to safeguard and increase incomes. Such action includes:

(a) The activities of the General Compensation Fund mentioned above;

(b) The national and regional development work-sites, which in times of economic difficulty and in the absence of any sustained creation of productive. stable and permanent jobs, as well as in periods of drought, constitute supplementary employment programmes. Known as "work-sites (to combat underdevelopment)", they remain an emergency social measure for combating unemployment. The conception of these national and regional work-sites has evolved and they now cover very diversified activities ranging from water and soil conservation, reforestation, sinking of shallow wells, and protection of archaeological sites in rural areas to the repair of public buildings, sanitation and hygiene campaigns, and beautification and development of towns. The people working on these sites belong to the socio-occupational category of unskilled workers, but young people with some level of qualification are also found among them;

(c) Since its establishment in 1976 the Productive Family Programme has helped to rationalise the use of human resources and move beyond assistance to productive activities enabling the targeted families to achieve a minimum of economic independence (self-employment) and contribute, even if only modestly, to the national development effort. This programme includes various activities such as simple urban occupations, farming, fishing, livestock-raising and handicraft activities for women.

232. Regional development programmes. In view of the decisive role of the regions in the diagnosis and treatment of poverty, the anti-poverty strategies have been focused on regional development. A regional development programme was established in 1973 and it has been refined over the years.

233. Managed since 1989 by and for the regions, the Regional Development Programme (PRD) embodies three main principles of Tunisia's development policy: decentralization, integration and national solidarity. The programme is intended for poor people living in rural, urban and peri-urban areas and has the advantage of combining various components designed to mitigate the chief

manifestations of poverty: underemployment and unemployment, lack of skills, and precarious living and environmental conditions.

234. Quite apart from the principles of decentralization, integration and national solidarity, the principle of the continuity of the development activities constitutes in itself alone an effective and lasting remedy for poverty. The new-generation Integrated Rural Development Programme (PDRI), while benefiting from the main lessons of the first-generation projects, emphasizes the role of the regions and accords a larger place to the people concerned and to community organizations and NGOs in project design and management.

235. In addition to the improvement of infrastructures, the Integrated Urban Development Programme (PDUI) is designed to create jobs and productive activities to provide the population with permanent resources. The underlying concept of this approach is that a community which enjoys improved living conditions (infrastructures, services, facilities) must be able to improve its own financial resources by taking advantage of the opportunities for training and employment made available to it by the PDUI. This approach of combining the improvement of living and economic conditions is applied mainly to the urban poor. The PDUI covers about 30 poorer districts in large and small towns, reaches hundreds of thousands of people and contributes to the creation of a large number of jobs.

236. Towards better targeting of beneficiaries. State assistance must be designed to benefit the poorest people first of all. With a view to further rationalizing the management of this assistance and improving its targeting, a survey has just been carried out for the purpose of providing an objective picture of the needs of the poor in Tunisia (based on analysis of the economic situation of the beneficiaries of the National Needy Families Assistance Programme) and establishing orders of priority for the allocation of the various kinds of State aid. In this context 1995 saw the compilation of national and regional poverty registers, which will be used in the establishment of single windows in each region in order to direct poor people to the forms and programmes of assistance which best meet their specific needs.

(c) National Solidarity Fund or the challenge of solidarity

237. Following the visits of President Zine El Abidine Ben Ali to a number of the country's rural and urban areas, during which he noted the inhabitants' difficult living conditions, the Select Ministerial Council decided to establish a national programme to remedy the situation in districts lacking basic infrastructures. In view of the major material resources required for the implementation of this programme, the 1993 Finance Act established the National Solidarity Fund (FSN).

238. On the instructions of the President of the Republic, the Fund is required to rely mainly on voluntary contributions, with the State providing supplementary financing. Officially the Fund is fed mainly by:

(a) Gifts from citizens and Tunisian enterprises in the public and private sectors as a mark of national solidarity. Such gifts are subject to deduction of corporation tax, or income tax in the case of individuals;

(b) Gifts made by individuals, institutions, organizations and friendly countries;

(c) The fiscal contributions and resources established for the benefit of the Fund;

(d) Budget allocations and, when necessary, credit transfers from the Treasury's special funds and the assistance funds, without however impeding the performance of the activities for which such funds are intended;

(e) Any other resources allocated to the FNS.

239. A Permanent Commission on the National Solidarity Fund was established under the auspices of the Office of the President of the Republic. This Commission drew up a list of areas of first priority. On the basis of this list and following visits to the regions it selected in conjunction with the regional authorities the proposed districts for intervention by the Fund.

240. Since 1993 the Fund's activities have been concentrated on the people's essential needs: drinking water; roads and tracks; electricity supply; improved housing; health; education; and other public facilities and activities (sanitation, measures to combat sand encroachment, construction of youth centres, etc.). During 1993 and 1994 the Fund's activities reached 250 districts throughout the Republic, with the implementation of 574 projects benefiting 293,361 inhabitants. Big credits have been earmarked for the poorest regions, including a large number of "twilight zones", especially the regions of the north-west and centre-west.

241. In view of the success of the Fund's activities (in 1993 the contribution by the people amounted to almost 15 million dollars, i.e. 3 million more than the budget allocation planned for the Fund) at a meeting of the Select Ministerial Council on 23 March 1994 the President of the Republic ordered the preparation of a strategy for the eradication of the twilight zones over a period of five years. This strategy has the following main goals:

(a) Improvement of the living conditions of the inhabitants of the twilight zones;

(b) Global development of these regions and settlement of their inhabitants in permanent locations by enabling them to take up productive activities there;

(c) Enhancement of the inhabitants' sense of responsibility and of their perception of the goals of development.

The "basic infrastructures" component of the strategy will reach 115,909 families, i.e. almost 690,000 people.

242. On the basis of the number of beneficiaries of the Fund's activities in 1993 and 1994, after five years it will have reached almost a million people. The "creation of sources of income" component of the strategy will reach 52,000 families having members capable of creating and managing their own projects.

243. Thus, quite apart from its content, the strategy of the National Solidarity Fund constitutes henceforth a challenge to the national community, the challenge of finally ridding Tunisia by the end of the century of the remaining twilight zones so that it may swiftly join the ranks of the developed countries.

244. When summoning the nation to succeed in this truly historic enterprise the President of the Republic stressed the necessarily voluntary nature of contributions to the Fund and once again called upon the country to strengthen the sense of solidarity among the groups making up the national community, in order to generate well-being and promote social progress for the benefit of the vulnerable social categories.

245. Today it can be asserted that all the components of the new anti-poverty strategy testify to the volume of work already done to consolidate this process and guarantee the country harmonious and balanced development. The fight against poverty has clearly been stepped up since 1992 by the introduction of new programmes of action such as the second generation of the PDRI, the launching of the PDUI and the National Solidarity Fund and, still more recently, the start-up of the programme to combat illiteracy. These programmes have been accompanied by specific measures of equal importance dealing with social security, including in particular the reform of the industrial accident and occupational disease scheme, which has produced substantial improvements both in the extent of the cover and benefits, especially those paid to widows and orphans, and in the improvements made in the social security system in the agricultural sector. Thanks to this global approach, which combines action by the State with the efforts of citizens and NGOs, Tunisia has already achieved undeniable results which have rekindled hope among the poor, saving them from the social fatalism which is the source of many forms of extremism and provides fertile ground for various kinds of manipulation.

(d) Protection of vulnerable categories

246. The protection of vulnerable categories against exclusion, marginalisation and discrimination is one of the constants of Tunisia's social policy. The State works ceaselessly to enfold these categories in its care and consolidate their rights.

(i) The disabled

247. Concern for the disabled is a "national responsibility" in Tunisia according to the Act of 29 May 1981 on protecting and assisting the disabled, as amended and supplemented by the Act of 14 March 1989. Based on a determined political will and well-developed legal arrangements, activities for the disabled are designed to achieve the following three main objectives:

(a) To prevent disability: here the activities are designed to:

(i) Strengthen the health institutions;

(ii) Encourage prenatal diagnosis and make people more aware of the importance of the pre-marriage certificate;

(iii) Improve public information;

(iv) Establish a national observation and monitoring system;

(b) To furnish the disabled with the means of living as normal a life as possible. The measures taken in this area are concerned in particular with an accessible environment (removal of obstacles in buildings, provision of technical aids, transport, etc.), education and training, and finding jobs for disabled persons. Seventeen regional rehabilitation units have been established in five years in order to provide functional training to support the education provided by social and academic methods. These units operate with multidisciplinary teams. The State intends to increase their number to one for each of the 23 governorate chief towns and in the longer term to one for each of the 254 chief towns of delegations. In step with the efforts made to integrate the disabled in the ordinary school and occupational training environment, particular attention is paid to specialized institutions. The number of special education schools for children who cannot be integrated has increased from 30 to 185 in about 10 years. As to the occupational integration of the disabled, Tunisia has ratified ILO Convention No. 159 concerning Vocational Rehabilitation and
Employment (Disabled Persons). In accordance with Act No. 89-52 of 14 March 1989, greater flexibility has been introduced in the regulations governing the exercise by the disabled of their employment rights, and special arrangements have been made to provide them with more job opportunities and encourage their recruitment. Pursuant to this Act, private and public enterprises employing more than 100 persons are required to assign 1 per cent of their jobs to disabled workers. Employers are also offered incentives: exemption from the entirety, two thirds or one half of their social security contributions for each disabled person recruited, depending on the type of disability. A programme to encourage independent work has been introduced: it finances the creation of projects for disabled persons capable of working (there has been a steady increase in the number of beneficiaries of this programme, now totalling 5,000 since its creation);

(c) To guarantee decent living conditions for disabled persons whose impaired mental or physical capacity limits their independence, and to support their maintenance in their families. In this context needy persons afflicted by severe disabilities may receive permanent material assistance. The quarterly total of such assistance per individual has doubled over the past five years and the global amount has tripled. In addition, while the State attends to the legal framework, the training of specialized personnel, the enhancement of public awareness, and the mobilization of most of the financial resources (through the Special Fund for the Disabled created in 1988), the associative sector plays a leading role in specialized education, occupational training and rehabilitation for disabled persons who cannot attend a normal institution. Associations for the disabled manage 178 socio-educational establishments and receive State grants for their operation and equipment, in addition to the provision of qualified personnel (90 per cent of their budget).

(ii) The elderly

248. In addition to bringing the elderly within the scope of the general social security measures, the Government promulgated Act No. 94-114 (of 31 October 1994)

providing for their special protection. This Act constitutes a kind of code of the rights of the elderly and is designed to strengthen family solidarity for their benefit and improve the care and attention given to them by the institutions concerned.

249. Protection of the elderly is based on the following principles:

(a) To protect their health and uphold their dignity by helping them to overcome the difficulties confronting them in their daily lives owing to their advanced age;

(b) To help them to understand their rights and to exercise them;

(c) To combat all forms of discrimination against and exclusion of the elderly in their social and family environments;

(d) To achieve their integration by making public opinion aware of the difficulties which they face, encouraging research and studies on the individual and collective phenomena of ageing and on ways of ensuring the protection and comfort of the elderly;

(e) To help them to participate effectively in all areas of social and cultural life and in sports and leisure activities;

(f) To take their specific needs into account with respect to housing, joint use of transport and simplification of administrative procedures.

(iii) Tunisians residing abroad

250. The Tunisian community abroad numbers more than 650,000 persons, 450,000 of them living in Europe, including 90,500 women and 114,500 children. These figures underline the importance of the family in Tunisian emigration and throw a fresh light on the new problems which emigration poses for the whole of the national community.

251. The President of the Republic is mindful of the concerns and aspirations of Tunisians living abroad and has made them a priority of national social policy, for he regards such Tunisians as an integral part of the national community. For the first time since independence, Tunisians living abroad have been invited to take part in the presidential elections as fully fledged citizens. Specific programmes have been drawn up to facilitate their return and reintegration in the country. A total of more than 6 million dollars, i.e. double the 1988 amount, is now earmarked every year for social and cultural activities abroad.

252. In addition, every year Tunisia allocates more than 4 million dinars for the teaching of Arabic in Europe to 14,000 Tunisian pupils.

253. Since an even more recent date the Tunisian community abroad has been able to receive radio and television programmes of the national network by satellite. Within the country a big effort is being made to provide specific education arrangements for the children of emigrants who remain behind in Tunisia, social

assistance for female heads of family, and even holiday centres for children in certain regions from which emigration has been intense.

254. Thanks to the work of the Office of Tunisians Abroad, which is responsible for implementing State policy in this respect, 113 local committees of Tunisians abroad have been established. These efforts place Tunisia in a leading position among the Mediterranean countries having emigrant communities with regard to the benefits furnished to their non-resident nationals.

255. However, Tunisia believes that much remains to be done to improve the situation of Tunisians living abroad, particularly in Europe, and indeed to make them a primary means of strengthening Tunisia's relations with Europe. To this end the Tunisia of the new era has often proposed applying to migration joint management arrangements which would benefit the migrant himself, the country of origin and the country of residence. The President of the Republic has even proposed in this connection the conclusion of a Europe-Maghreb charter of the rights and duties of emigrants (speech to the European Parliament, Strasbourg, 23 June 1993), which would serve as the framework for a civilising approach making migrant men and women a powerful factor for understanding between the two shores of the Mediterranean.

2. Right to adequate nutrition

(a) Goal of food security in Tunisia

256. The improvement of the food and nutrition situation of the whole population is one of the fundamental goals of Tunisia's planning. The attainment of this goal is a sine qua non of the concept of "promotion of the individual" already made explicit in the "Decade's Development Prospects" since 1962. In fact, satisfying nutritional needs implies the highest possible degree of physical and mental well-being of the citizen and his health and capacity for work, all elements which contribute to the country's development.

257. Ever since independence the attainment of this objective has been perceived in terms of the achievement of food self-sufficiency. However, as a result of economic growth and accelerated urban development, the spectacular rise in the demand for food in terms of volume as well as composition has lead to a deterioration in the food trade balance. This phenomenon has of course been encouraged by the climatic uncertainties, which cause great variations in farm output.

258. It was with the Seventh Economic and Social Development Plan 1987-1991) that the more realistic goal of food security became associated with the goal of food self-sufficiency in the Government's options. At the national level food security is at one in its purpose with the concept of self-sufficiency, since in both cases the goal is the nation's independence with respect to its food supplies. At the household level food security is designed to guarantee the whole population physical and financial access to basic foods on a lasting basis.

(b) Tunisia's food and nutrition situation

259. It is important to point out that since the 1960s Tunisia has never experienced a food shortage at either the national or local level. This is particularly true with respect to basic foods (cereals, fats, sugar). It is equally true for other foods (animal products, fruits and vegetables): supply is always in excess of demand, and consumption of these items is dependent to some extent on purchasing power.

260. Food supplies for personal consumption are abundant. Their representation in terms of nutritional equivalents indicates an available per capita calory intake clearly higher than the corresponding needs, as the following table shows:

Evolution of calory and protein supplies and requirements

Per capita/day

	Calories			Proteins		
	Supplies (Kcal)	Requirements (Kcal)	Rate of cover (%)	Supplies (g)	Requirements (g)	Rate of cover (%)
1975	2,638	2,165	122	70.9	41,5	171
1980	2,829		131	78.3		189
1985	2,925		135	79.7		192
1990	3,167		146	83.1		200

261. It thus appears that the volumes of foodstuffs brought to market are sufficient to provide the consumer with an intake of calories and proteins (to take only those two factors) representing a considerable margin of safety in relation to the corresponding requirements. The satisfaction rates of these requirements have increased appreciably from 122 and 171 per cent respectively in 1975 to 146 and 200 per cent in 1990. This situation illustrates the Government's determination to ensure that food is available in a sufficiently safe supply to allow households access to an adequate diet according to their needs and to discourage any attempt at speculation designed to create shortages leading to illegal price rises.

262. The actual consumption of food products by households also reflects the favourable evolution of per capita consumption, which has increased strongly for all products except cereals and for all population groups (big towns, other urban areas and rural areas), as can be seen from the table below. The decline in the consumption of cereals reflects a desire for a more diversified diet, which has become increasingly possible thanks to the price and subsidy policy implemented to consolidate household food security. The same table highlights the various product substitutions which have taken place in this area. It is useful to note that the expression of consumption levels in nutritional equivalents shows that the consumption of these equivalents is lower than the calory and protein availability indicated above.

Evolution of food consumption by degree of urbanisation

	Hard wheat products			Bread/bakery			Flour/soft wheat		
	R	AC	GV	R	AC	GV	R	AC	GV
1990	122	48	31	30	80	102	6	5	2
1985	126	50	30	32	84	101	7	4	3
1980	126	54	31	26	99		10	4	
1975	129	66	34	20	74	99	11	5	2
	Barley			Legumes			Potatoes		
	R	AC	GV	R	AC	GV	R	AC	GV
1990	5	2	1	5	5	3	15	23	25
1985	8	3	1	4	5	5	14	22	23
1980	8	1	1	3	4	4	16	22	21
1975	9	2	1	5	6	6	13	21	21
	Olive oil			Seed oil			Sugar		
	R	AC	GV	R	AC	GV	R	AC	GV
1990	7	13	4	17	15	19	16	16	18
1985	5	9	5	14	13	18	15	16	20
1980	5	5	2	11	10	14	14	14	14
1975	6	9	3	12	12	15	14	14	17
	Meat			Game			Fish		
	R	AC	GV	R	AC	GV	R	AC	GV
1990	10	16	18	5	7	9	3	10	10
1985	8	16	24	3	4	7	1	7	10
1980	8	16	20	4	6	8	2	8	9
1975	10	14	19	2	2	2	2	7	9
	Eggs			Fresh milk			Yoghurt		
	R	AC	GV	R	AC	GV	R	AC	GV
1990	3	6	6	29	39	55	1	4	6
1985	2	4	6	28	36	55	1	3	5
1980	2	5	5	36	38	52	7	2	4
1975	1	2	3	36	20	50	2	6	3

* The figures refer to consumption levels in kg/person/year.
The amounts refer to IAA products in the case of cereals.

GV = big towns
AC = other urban communes
R = rural areas

263. The apparent gap is due to the difference between "supplies" and "effective intake", the latter item taking into account some other factors,

including losses in households, food prepared but not eaten, and food given to domestic animals. Nevertheless, the satisfaction rates calculated on the basis of effective intake show a cover in excess of 100 per cent except for certain nutrients (iron, calcium, B2 vitamins), for which shortages are common in all countries, even the industrialised ones.

Evolution of real satisfaction rates

Nutrient	1975	1980	1985	1990
Calories	+6.9%	+12.0%	+7.3%	+5.2%
Proteins	+55.4%	+70.7%	+64.8%	+66.5%
Calcium	-4.4%	-6.0%	-9.6%	-5.6%
Iron	+20.9%	-5.5%	-3.4%	-0.6%
Vitamin A	-	+ 7.8%	+12.1%	+19.1%
Vitamin C	+242.2%	+201.6%	+253.1%	+250.8%
Vitamin B1	+75.9%	+78.3%	+71.4%	+73.6%
Vitamin B2	-27.7%	-25.4%	-26.7%	-26.1%

(c) Undernourished population

264. The available data show a considerable decline in poverty in Tunisia. The distribution of poor population by area of residence also shows that poverty is commoner in urban than in rural areas and that it is declining more rapidly in rural areas.

(i) Poverty and standard of living

265. It is remarkable to note that according to the budget consumption surveys undernourished persons are found in all income groups, even the highest. But in general terms undernutrition is commoner among the lowest-income groups. It must be pointed out that in 1980 the two lowest income groups, accounting for 22.5 per cent of the total population, had a proportion of poorly nourished people corresponding to 5.7 per cent of Tunisia's population. In 1990 the poorest population (same income groups as in 1980) represented 13.82 per cent of the total population and included 2.4 per cent of the undernourished, i.e. half the 1980 figure.

266. It is also important to note that the income level does not always fully explain the presence of undernourishment even when it is the main cause thereof. Other health and socio-cultural factors can be equally decisive. The current data, from 1990, do confirm the relatively high level of poverty in the big towns and its decline in all regions of the country.

(ii) Poverty and socio-occupational category

267. The following table shows first of all that it is in the category of households whose breadwinner is unemployed at the time of the survey that the poverty rate is highest, at 19.2 per cent, but it must be noted that in relation to all pockets of poverty this category represents barely 4 per cent. In second place comes the category of households whose breadwinner is a farm worker, with a poverty rate of 12.7 per cent, i.e. about 100,000 poor people. Furthermore, one person in 10 in households whose breadwinner is a worker employed in an economic sector other than agriculture finds himself in a situation of absolute

poverty, i.e. a total of about 250,000 persons, representing a little less than half (45.7 per cent) of all pockets of poverty.

Poverty and socio-occupational category (SOC) in 1990

SOC of main breadwinner	Poor population	% of poor	Proportional distribution
Other employees (non managerial staff)	8,000	2.3%	1.5%
Craftsmen and independent workers (industry, commerce, services)	64,000	6.4%	11.8%
Non-farm workers	249,000	9.7%	45.7%
Farmers	32,000	2.5%	5.9%
Farm workers	98,000	12.7%	18.0%
Unemployed active	22,000	19.2%	4.0%
Retired and other inactive	51,000	6.4%	9.4%
Breadwinner living outside the household	20,000	4.7%	3.7%
Total	544,000	6.7%	100.0%

268. However, for all these socio-occupational categories undernourishment as such is virtually non-existent except in the case of non-agricultural workers, who show a deficit of 2.5 per cent of energy intake. But it must be pointed out that a large part of the population in this category eats outside the home, and its consumption may not be adequately reflected. The energy-intake satisfaction rate by SOC was as follows in 1990:

Senior management/employers	=	+10.0%	Non-farm workers	=	-2.5%
Middle management	=	+8.8%	Farm workers	=	+6.3%
Other employees	=	+8.6%	Farmers	=	+14.4%
Independents/craftsmen	=	+1.5%	Inactive/others	=	+10.1%

(d) Policy changes

269. The only policy change in the last decade which could have had a harmful impact on the vulnerable groups from the standpoint of their access to an adequate diet was the one concerning the economic structural adjustment programme (SAP) introduced in 1986. Opting for economic liberalism implies a greater disengagement of the State and in particular a gradual return to true prices. Despite the importance of the social dimension in Tunisia's policies, it was to be expected that the poorest fringes of the population would suffer from the reduction of subsidies and freeing of prices.

270. However, measures were taken to soften the impact of the SAP on the poor population groups, including:

(a) Adjustment of the SMIG and SMAG;

(b) The programme of assistance for needy families, in which the household payments are revised upwards in step with every increase in the prices of subsidised products;

(c) The National Solidarity Fund, which finances assistance of all kinds for the poor (housing, health, jobs ...);

(d) The creation of the Consumer Protection Organisation.

Evolution of SMAG

dinars

Reference	Date of entry into force	Daily rate
Decree No. 79-474 of 21 May 1979	1 May 1979	1.440
Decree No. 80-76 of 21 January 1980	1 February 1980	1.483
Decree No. 80-610 of 19 May 1980	1 May 1980	1.631
Decree No. 81-438 of 7 April 1981	1 April 1981	2.000
Decree No. 82-502 of 16 March 1982	1 February 1982	2.400
Decree No. 83-510 of 3 June 1983	1 January 1983	2.640
Decree No. 86-690 of 19 July 1986	1 July 1986	2.900
Decree No. 87-1278 of 5 November 1987	1 November 1987	3.050
Decree No. 88-890 of 5 May 1988	1 April 1988	3.200
Decree No. 90-247 of 5 February 1990	1 January 1990	3.546
Decree No. 91-1317 of 2 September 1991	1 August 1991	3.646
Decree No. 92-1300 of 13 July 1992	1 May 1992	3.961
Decree No. 92-1631 of 7 September 1992	1 August 1992	4.061
Decree No. 93-1257 of 7 June 1993	1 May 1993	4.261
Decree No. 94-1865 of 5 September 1994	1 August 1994	4.361
Decree No. 95-901 of 15 May 1995	1 May 1995	4.661

N.B.: Adjustments of the SMIG are made the same time in accordance with different decrees entering into force on the same dates as the decrees listed above.

271. There is no reason to believe that this policy change had any undesirable effects on the living standards of the poor. Evidence of this is provided by the figures given below, which show that minimum wages increased faster than the prices of the main food products.

Time worked at SMIG and SMAG required for the purchase of certain food products

Evolution between 1974 and 1990

	Time worked at SMIG		Time worked at SMAG	
	1974	1990	1974	1990
Baker's loaf (*)	0h30	0h11	0h33	0h12
Factory-produced semolina	0h46	0h19	0h52	0h21
Pastas	0h50	0h40	0h55	0h45
Boned beef	8h28	7h36	9h24	7h53
Lamb	8h12	8h52	9h07	9h53
Live poultry (**)	6h24	2h20	7h07	2h36
Fish	4h37	4h51	5h08	5h25
Eggs (***)	3h14	1h25	3h35	1h35
Fresh milk	0h39	0h17	0h43	0h18
Castor sugar	1h27	0h39	1h36	0h43
Seed oil	1h29	0h38	1h38	0h42

N.B.: The time worked is calculated for the purchase of one kilogram of the product unless indicated otherwise.

(*) 700 g loaf.
(**) Per animal.
(***) Per dozen.

(e) Impact of improved methods of production, conservation and distribution of foodstuffs

(i) Production methods

272. One of the main tasks assigned to the agricultural sector is contributing to the restoration of the global balances and guaranteeing the population an adequate food supply in accordance with their nutritional needs and the evolution of consumption habits. Since the Seventh Plan (1987-1991) the intensification and diversification of farm production has been approached from the standpoint of a modernized agriculture undertaking to secure a qualitative alteration of its development model on durable foundations. Apart from the improvement of the general environment of farm work, increased productivity requires recourse to a number of measures which have been taken into account in the sector's development policy; the following are the main such measures:

(a) Management training. Tunisia pays special attention to improving the technical skills of the officials and managers responsible for administering the farm sector. This attention can be gauged by the average number of graduates produced annually by the teaching institutions over the seven-year period 1986/87-1992/93:

Graduates from vocational schools: 702 a year
Graduates from agricultural secondary schools: 112 a year
Graduates from technical institutes: 94 a year
Engineers and veterinarians: 224 a year

(b) Research. The improvement of agricultural productivity requires the introduction of the techniques and technologies which are the necessary tools for increasing production and enhancing its value. The following are the main areas of research selected for the current decade:

(i) The main agricultural subsectors having an impact on food security and exports (main crops, livestock, tree and olive cultivation, market gardening, fishing and fish farming);

(ii) Water and soil conservation and environmental protection (rationalisation of water use, farm mechanisation, cultivation techniques, forestry, dry cultivation and anti-desertification measures);

(iii) Genetic improvements and animal health;

(iv) Establishment of an effective and developed seed-production sector, including encouragement of private operators at production levels and distribution of selected seeds and plants.

With a view to incorporating unirrigated farming (58 per cent of output in 1987-1981) in the sustainable development plans and mitigating the undesirable effects of climatic uncertainties, the research seeks to identify techniques to take the place of farming methods which impair natural resources and to develop varieties suited to the environment and the techniques used;

(c) Extension work. The Farm Training and Extension Agency, established in 1990, is responsible for coordination of activities for the promotion of suitable techniques and for liaison between producer and researcher. It relies on field extension units for this purpose. It is also responsible for training and encouragement of the gradual transfer of extension activities to the profession.

(ii) Conservation and distribution of foodstuffs

273. A number of consumer-protection measures have been introduced. They have been supplemented by other actions taken by the technical departments concerned, including in particular the Ministries of Agriculture and Industry. For example, Act No. 92-117 of 7 December 1992 on consumer protection provides with respect to hygiene and quality (arts. 3 and 5) a general safety obligation for all products, including foodstuffs. Pursuant to this Act the agent responsible for the initial marketing (producer, importer) is required to verify that his goods conform to the relevant legal specifications and regulations.

274. Act No. 94-86 of 23 June 1994 on distribution systems for farm and fisheries products also provides consumer-protection measures at the stage of conservation and marketing of the products. Pursuant to this Act the conservation of farm and fisheries products in refrigerated warehouses must be carried out in accordance with the technical and hygiene conditions established by the regulations in force (art. 15). In addition, farm and fisheries products marketed through the distribution systems must comply with the hygiene and safety conditions stipulated by the legislation and regulations in force and

with the quality-control and packaging standards (art. 21). This Act also contains a master plan for the establishment of wholesale and producers' markets, as well as providing for the modernization of the organization and operation of these markets, which are governed by terms and conditions approved by decrees adopted on the proposal of the Ministry of Trade following consultation of the National Trade Council.

275. In addition, Act No. 91-44 on organization of commercial distribution was amended by Act No. 94-38 of 24 February 1994, which introduced inter alia provisions regulating the organisation of certain specific commercial activities in accordance with official terms and conditions (in particular for agro-food products).

(f) Agrarian reform and food security

276. Tunisia has an area of 4,431,000 hectares, distributed as follows according to the main types of land use */:

Private land	:	3,359,000 ha	i.e.	75.8%
Common land	:	649,800 ha	i.e.	14.6%
State land	:	181,200 ha	i.e.	4.1%
Land reserved for religious purposes	:	52,200 ha	i.e.	1.2%
Other land	:	189,100 ha	i.e.	4.3%
Total	:	4,431,300 ha	i.e.	100.0%

277. In Tunisia agrarian reform as such has concerned only irrigated public land, for its main purpose is to improve management and productivity.

(i) Objectives

278. The provision to farmers of developed irrigated land is intended to enable them to support themselves and improve their living standards by increasing production and incomes. The objectives of the reform relate essentially to:

(a) Reorganization of land-ownership in order to create farms suitable for inclusion in the irrigation system and capable of making rational use of irrigation water and implementing crop rotation and development plans;

(b) Limitation of land-ownership by setting maximum and minimum areas in the light of the economic and social characteristics of the land concerned;

(c) Contribution by landowners to the costs of irrigation developments in proportion to the amount of land and the added value produced by the irrigation;

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*/ The total area in use amounts to 5,348,000 ha. But the distribution by type of use refers only to land owned and does not include land used under other arrangements (rental, association, ...).

(d) Obligation to develop by making the necessary arrangements for irrigation and giving constant and regular attention to the irrigated crops.

(ii) Legal framework

279. The legal framework of the agrarian reform includes the following acts:

(a) Act No. 63-18 of 27 May 1963 as amended and supplemented by Act No. 71-9 of 16 February 1971 on agrarian reform of irrigated public land;

(b) Act No. 77-17 of 16 March 1977 on creation of the Agency for Agrarian Reform of Irrigated Public Land (ARAPI).

(iii) Scope and difficulties

280. The agrarian reform has been implemented on about 150,000 ha. But difficulties have emerged at the operational level. These difficulties consist mostly of poor farming methods or sometimes even abandonment of the land. However, such difficulties are also found on unirrigated farms. The Government is therefore preparing an action plan for:

(a) The creation of an appropriate legal framework for expansion of land-ownership and agrarian reform of arable land with a view to improved exploitation of the total agricultural potential;

(b) The preparation of regulations for the development of under-used or abandoned land.

281. From the standpoint of improvement of agricultural productivity the optimal management of public land constitutes a priority means of substantially raising the contribution of such land to increased output and helping, by a multiplier effect, to disseminate advanced techniques. Accordingly, a reform of the methods of managing this national land has been adopted after widespread national consultation. It is being implemented under the supervision of a national committee reporting to the Minister of Agriculture.

282. The reform has the following components:

(a) Consolidation of the agro-combines which have produced satisfactory results and which do not require any additional investment. These units will be managed with the very high level of flexibility required by farming;

(b) Confirmation of the cooperative production units (UCP) which have carried out development projects and are well-managed;

(c) Restructuring of State farms (UCP, agro-combines...) which require development investments or which have not produced satisfactory economic results. These farms have been identified and will be converted - after study on a case by case basis - into agricultural development companies, which will be divided into plots and assigned to professionals and young farmers;

(d) The granting of small plots of public land to their current farmers, professionals or young farmers on renewable 25-year leases.

283. Farming can be developed only by the introduction of profitable enterprise-agriculture supported by reforms in land- ownership, lending and taxation and by a pricing policy, in a rural environment which is welcoming and attractive, especially for young people.

284. A land reform will be undertaken during the Eighth Plan. Its objectives are to:

(a) Accelerate the updating of frozen titles of ownership and eliminate the causes of the present situation;

(b) Limit subdivision and fragmentation of plots at levels guaranteeing economic production conditions and the viability of the farms;

(c) Develop the land and combat absenteeism and under-use.

285. For this purpose, in addition to completion of the programmes for restructuring of the holding of common land, saline land and land reserved for religious purposes, planned for the end of the Eighth Plan at the latest, comprehensive legal arrangements for removal of the land-use constraints will be submitted for adoption. This means the enactment of legislation to limit the subdivision of farm land and develop abandoned or under-used land, as well as for agrarian reform.

(g) Measures to promote an equitable distribution of total food resources

286. The evolution of the consumer prices of basic products is subject to specific monitoring. In addition, the General Compensation Fund has been established to enable the State to intervene with respect to the prices of goods, products or services classified as essential, and households then pay less than the true prices for the items consumed. Measures have been introduced to ensure regular market supplies, in particular by monitoring the various agricultural and agro-food growing seasons and carrying out ad hoc import operations when necessary and in particular during the month of Ramadan.

G. Right to enjoyment of the highest attainable standard of health: article 12 of the Covenant

287. Since the dawn of independence Tunisia has been engaged in a development process based on the promotion of the human resources which constitute its wealth. It has thus been able to develop health services for a population characterized at the moment of the country's independence in 1956 by the following data:

(a) A very young population, with under-fifteens alone counting for almost a half (49 per cent);

(b) A very high mortality rate of 25 per 1,000 for general mortality and 200 per 1,000 for child mortality;

(c) Unchecked fertility, with a gross birth rate of 50 per 1,000 and a gross reproduction rate of 3.7 daughters per woman;

(d) A very low life expectancy of 47 years;

(e) A worrying health situation, with one doctor for 6,900 inhabitants and a lack of health infrastructures.

288. In the area of health as such the State's efforts have been concentrated on two main points:

(a) Extension of the cover by investing in infrastructure on the model of a four-level pyramid: basic health centres, local hospitals in the chief towns of delegations, regional hospitals in the governorates and large urban areas, and university hospitals attached to university faculties;

(b) The training of health professionals by the various faculties and schools created for the training of paramedical personnel.

Evolution of certain health indicators

Indicator	1990	1991	1992	1993	1994	1995 (a)
Number of doctors (public and private)	4,386	4,523	4,840	4,950	5,100	5,425
Number of paramedics (public)	22,342	23,942	24,325	24,405	25,549	25,000
Number of beds (public)	16,550	-	16,675	16,800	16,900	17,000
Number of basic health centres	1,476	-	1,667	1,680	1,690	1,730
Number of inhabitants per doctor (public and private)	1,840	1,818	1,726	1,662	1,723	1,650
Number of inhabitants per paramedic	361	343	343	345	358	358
Number of inhabitants per bed	488	-	501	505	520	527
Number of inhabitants per basic health centre	5,522	-	5,336	5,323	5,325	5,170
Direct investments (public sector in D1,000)	24.5	26.0	29.2	35.9	49.4	60.5

(a) Estimates.

289. At the same time the private health sector has developed as a dispenser of out-patient treatment; its contribution to the hospital infrastructure is in fact fairly small (less than 10 per cent).*/

290. In addition, hospital care has been developed to cope with the population's specialized-treatment needs, in particular general surgery, gynaecology-obstetrics and paediatrics. University hospitals have been established in association with the medical faculties in order to constitute the third level of highly specialized care and the last resort of the other levels. Furthermore, these units are required to train health personnel and participate in the various health programmes and preventive activities.

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*/ See the report submitted by Tunisia to the World Health Organization in 1994 on the monitoring of the strategy of health for all by the year 2000.

291. Where prevention is concerned, attention must be drawn to several activities such as the prevention of water-borne diseases. In 1991-1992 drinking water was supplied to the whole of the urban population and to 34.4 per cent of the rural population. A clear improvement in the quality of drinking water has been recorded since 1990, for the proportion of the population having access to clean drinking water in their homes or from a reasonably close source increased from 60.7 per cent in that year to 86 per cent in 1992. The main activities of this programme are monitoring of the bacteriological and physical-chemical condition of the water, identification of factors which may impair its quality, and monitoring of hygiene conditions at water-supply installations.

1. National policy for health and primary health care

292. Tunisia's health system has developed a policy based on primary health care, which is itself focused on mother and child care, family planning, school and university medicine, prevention of epidemic diseases, and campaigns against certain social ills, as well as on treatment of everyday illnesses and dispensing of basic medicines. The various programmes implemented have helped to eradicate a number of serious problems which were major vectors of disease, disability and death in children, such as malaria (in 1979), bilharzia (in 1983/84) and trachoma.

293. Tunisia took the WHO recommendations as its guide in making its strategic health choices. It adopted the objective of health for all by the year 2000 and signed the Almaty Declaration. The choice of primary health care as the fundamental component of our health system led to the design and establishment of an institutional structure tailored to the objectives.

294. In order to carry out this policy, a regional health office has been established in each of the country's 23 administrative regions. Primary health care is given priority in the organization of these regional offices. This administrative decentralization is designed to promote regional management.

295. Legislation on organization of the health system, defining the various levels of health care and their functions, was promulgated in 1991 (see Act No. 91-63 of 29 July 1991 annexed to this report). This legislation provided inter alia for the creation of a new category of health institution as part of the project for reform of hospital management. This project was undertaken by the Tunisian Government in an effort to modernize hospital management and rationalize the allocation of hospital resources in order to improve the conditions under which patients are treated and the working conditions of health professionals in the public sector. The general goal of the project is to enhance the efficiency and quality of public hospital services by improving the internal efficiency of university hospitals so as to enable them to produce information about their activities and the cost of health care. The project started up in 1992 and provides for the transformation of 20 university hospitals into public health institutions (three in 1992, eight in 1993, five in 1994 and four in 1994).

2. Share of national budget allocated to health

296. Health expenditure was estimated at 4.2 per cent of GNP in 1985 and rose to 5.2 per cent in 1990 and 6 per cent in 1995. This illustrates both the

priority accorded to health in the country's global policy and the importance of primary health care as the fundamental component of this policy in the effort to achieve the goal of health for all by the year 2000. In fact, 34 per cent of the health budget is allocated to primary health care.

3. Basic indicators

(a) Child mortality rate

297. The child mortality rate was about 200 per 1,000 on the eve of independence and it declined significantly to 130 per 1,000 during the 1960s and to 96 per 1,000 in 1975; according to the latest estimates for 1995 it is now 30 per 1,000. This development is the result not only of the strengthening of the health services (increased numbers of health personnel and improvement of their skills) but also of an integrated family planning policy carried out under the national programme on the spacing of births, which was recently reinforced by a second national perinatal programme.

298. Since 1992 a national action plan for the survival, protection and development of children has been under preparation. Its health component is designed to reduce the child mortality rate to 25 per 1,000 and the mortality rate among children under five to 30 per 1,000 by:

(a) Eliminating poliomyelitis and neonatal tetanus in 1996;

(b) Reducing deaths due to diarrhoea in the under-five age group from 1.8 per 1,000 to 1 per 1,000 in 1996 and 0.5 per 1,000 by 2,000;

(c) Maintaining the rate of vaccination of children before their first birthday with the six antigens at 90 per cent at least;

(d) Reducing the number of cases of serious or moderate malnutrition among children aged three to 36 months from 3 to 2 per cent in 1996 and to 1 per cent by 2000;

(e) Reducing deaths due to acute respiratory infections in the under-five age group by 30 per cent in 1996 and by 50 per cent by 2000.

(b) Life expectancy at birth

299. Life expectancy at birth was estimated in 1995 at 73.3 years for women and 69.5 years for men. In 1966 the global estimate for this indicator was 54 years. It is important to note here that the longer life expectancy at birth combined with the decline in the birth rate and the child mortality rate will lead to a gradual increase in the elderly population and thus to a greater demand for specific care for the elderly.

(c) National vaccination programme

300. In 1979 this programme replaced the many vaccination campaigns which had been carried out for three months a year mainly against tuberculosis and poliomyelitis and to a lesser extent against diphtheria and whooping cough. It targets the six most fatal childhood diseases (tuberculosis, poliomyelitis,

diphtheria, tetanus, whooping cough and measles), as well as neonatal tetanus by means of the systematic anti-tetanus vaccination of pregnant women and women of child-bearing age.

301. These efforts have produced an acceleration of the vaccination cover, which reached the following percentages in 1991:

99% for BCG (100% urban, 98.5% rural);

91.7% for the third DTCP (94.2% urban, 89% rural);

92.1% for the first measles (93.9% urban, 90.1% rural);

90% of children in the same age range (93.4% urban, 85.4% rural) received all the vaccinations required by the Tunisian schedule before their first birthday;

55.3% of pregnant women received two doses of anti-tetanus vaccine.

302. Boys and girls were vaccinated on an equal footing (girls - 87.9 per cent; boys - 91%: an insignificant statistical difference).

303. These vaccination rates have produced a very considerable reduction in the incidence of the targeted diseases, for no case of poliomyelitis has been notified since 1993 and no case of diphtheria since 1994, and only five cases of neonatal tetanus were notified in 1994.

304. With regard to the vaccination effort attention must be drawn to the decision to vaccinate all children against hepatitis B from July 1995. This vaccination will be systematic and free and carried out in accordance with a vaccination schedule of three doses (at three, four and nine months).

305. The vaccination programme in the schools, which supplements the national programme, has been running at a satisfactory level for several years. In 1993/94 the rate was 92 per cent for primary and 93 per cent for secondary schools. Increased vigilance is now required in checking the vaccination record of children before they join the preschool and school system, with a mandatory requirement to make good any missing vaccinations.

(d) National Perinatal Programme

306. The National Perinatal Programme introduced in 1990 has four components:

(a) Prenatal checks;

(b) Attended confinements;

(c) Postnatal checks;

(d) Monitoring of growth.

307. This Programme also provides for the inclusion of family planning activities (the responsibility of the National Family and Population Office

since the 1960s) in the regular perinatal checks, in order to increase the Office's impact and enable it to reach population groups far from the basic health centres.

308. The Programme seeks to reduce maternal and perinatal mortality and morbidity and prevent children from being born with disabilities as a result of an ailment occurring during pregnancy, confinement or post-partum. The Programme's main indicators are:

(a) Attended confinement in 80.24 per cent of cases (an average for the past five years, the latest survey dating from 1994);

(b) At least one prenatal consultation for pregnant women in 72 per cent of cases and a maternal mortality rate estimated at 60 deaths for every 100,000 live births.

309. Thanks to the existence of at least one mother and child centre in each delegation, 100 per cent of infants can be treated by qualified personnel.

(e) Public drinking water supply

310. The rate of provision of drinking water to the public is as follows:

Urban population:	100 per cent (since 1991)
Rural population:	66.32 per cent (since 1994).

311. There has been a clear improvement in the quality of drinking water since 1990, for the percentage of the population having access to clean drinking water in their homes or from a reasonably close source rose from 60.7 per cent in that year to 86 per cent in 1992 and 89.6 per cent in 1994.

312. The main activities carried out by the authorities in this area are monitoring of the bacteriological and physical-chemical condition of the water supply, identification of factors which may impair the water quality, and supervision of hygiene conditions at installations.

(f) Disposal of waste water

313. The proportion of the population having an adequate means of hygienic disposal of waste water (sewerage system, septic tank, cesspool ...) was 100 per cent in urban areas and 30 per cent in rural areas in 1994. In 1991 the proportion connected to a sewerage system was 56 per cent, and the aim was to achieve a rate of 62 per cent in 1996. The number of treatment plants rose from 25 in 1991 to 54 in 1994.

314. The quality of untreated and treated water is subject to regular bacteriological monitoring. In addition, special attention is paid to monitoring the treated water reused in agriculture.

(g) Environmental and industrial hygiene

315. Tunisia has implemented an environmental hygiene strategy based on the following four requirements:

(a) Intensive intersectoral collaboration in programmes having an impact on health (such as extension of the basic health infrastructures and the national programme of environmental hygiene and protection);

(b) Encouragement of community participation by providing technical support for health projects, in particular the ones carried out by the district committees in urban areas and the commune associations in rural areas;

(c) Strengthening of the health monitoring and education activities with respect to drinking water supply and items of mass consumption, as well as to the hygienic disposal of hospital wastes;

(d) Development of the human and material resources of the environmental hygiene services.

316. The action taken by Tunisia to improve environmental hygiene has resulted in practical terms in the establishment of supervisory systems to monitor drinking water in rural and urban areas, mineral water, bathing water and waste water.

(h) Treatment of common illnesses and injuries

317. The proportion of the population having access to qualified personnel for the treatment of common illnesses and injuries and able to obtain 20 basic drugs within one hour's walk or ride is 79.6 per cent. The 1994 census showed that 81.2 per cent of households are located within four kilometres of a health centre.

318. This cover is the result of the extension of health facilities throughout the national territory. In 1995 the health infrastructure had:

Public sector	Private sector
1,730 basic health centres 103 local hospitals 28 regional hospitals 21 university hospitals	45 clinics 41 dialysis centres 2,373 doctor's surgeries

These figures do not include units operated by certain departments and bodies (Ministry of National Defence, Ministry of the Interior, and National Social Security Fund).

319. This health system is designed to reduce the disparities within and between regions and make best use of the available investment resources. It involves both public and private sectors in order to bring their complementarity into play and secure a better distribution among regions, especially with respect to the second- and third-line specialized services.

(i) Treatment of epidemic, endemic, occupational and other diseases

320. As part of the development of national programmes for preventing, treating and combating epidemic, endemic and other diseases classified as priorities, such as the diseases targeted by the National Vaccination Programme, as well as leishmaniasis, hydatidosis, malaria and bilharzia, legislation was promulgated

in 1992 to consolidate the efforts made in these areas (Act No. 92-71 of 27 July 1992 on transmissible diseases). This Act contains a list of transmissible diseases subject to mandatory declaration, and practitioners are required to notify such diseases to the regional and central offices so that the necessary measures can be taken. In addition, the Act establishes the obligations of health professionals and the rights and duties of patients, all with a view to protecting society against these serious ailments.

321. Attention is drawn to the following hygiene programmes:

(a) The National Programme for Prevention of Water-borne Diseases is designed to reduce the incidence of such diseases by means of regular monitoring of water;

(b) The National Programme for Prevention of Food-related Diseases monitors products of mass consumption, public places, distribution networks and public eating facilities, food additives and major pollutants, with a view to preventing illnesses connected with the quality of food products, in particular food poisoning;

(c) The National Programme for Prevention of Vectorial Diseases monitors disease vectors and provides technical assistance for combating and preventing diseases transmitted by vectors;

(d) The National Hygiene Education Programme is designed to change behaviour patterns and habits amongst the general public and the handlers of foodstuffs.

4. Health for all and equality of access

322. Act No. 91-63 of 29 July 1991 on organization of the health service states that everyone has a right to protection of his health in the best possible conditions. It spells out the functions of the public and private health facilities and establishments, which are required to provide, free of charge or in return for payment, preventive, curative, palliative, diagnostic and functional rehabilitation services with or without hospitalization. This same legislation stipulates free treatment and hospitalization in public health facilities for all indigent Tunisians, their spouses and the children for whom they are legally responsible (the list of persons in this category is determined by agreement between the Ministries of Health and Social Affairs). This benefit is also accorded to all persons covered by a prevention campaign or suffering from an epidemic disease.

323. In order to provide adequate health care for all its citizens, Tunisia is endeavouring to secure a better distribution of the public and private health facilities throughout the country. The national health service map introduced in the early 1990s has led to better decisions on the location of new first-line facilities: health centres, outlying maternity clinics and local hospitals. The recent enactment of the obligation to draw up a master plan for hospital developments and extensions will supplement this effort with respect to second- and third-line facilities.

324. In addition to this plan, immediate and medium- and long-term measures have been enacted to encourage specialist doctors to set up in the country's interior regions. Furthermore, mobile multidisciplinary teams carry out successive campaigns with a view to improving health care in these remote regions. These teams are made up of specialists from the university centres or even doctors in general practice.

325. A particular effort has been made to equip the health facilities to meet the people's needs: provision of technical trays and dental chairs in the first-line facilities and sophisticated technical equipment in the regional and university hospitals, thus increasing the capacity of these facilities to provide better care for patients.

326. As part of these efforts, supplying the health facilities with the medicines which the people need has always received attention from the authorities, which have not hesitated to take action to guarantee regular supplies while encouraging national production (in 1995 about 40 per cent of needs were met from national production).

327. These measures have had the effect of improving the quality of the care dispensed to the people and extending the cover of the health service. However, it must be pointed out that this effort has imposed an additional budgetary burden, posing a serious problem to the funding of the health service.

328. Protection of the elderly. Act No. 94-114 of 31 October 1994 on protection of the elderly establishes a set of principles to help this population group, including the need to protect the health and uphold the dignity of the elderly as they try to cope with their problems. To this end the Act imposes on the authorities a duty to take adequate action to provide the elderly with the necessary facilities, especially with respect to care. In order to encourage families to look after their elderly members and support them in their home environment, the same legislation invites the authorities to assist the families concerned to provide for the essential needs of their elderly members, especially with respect to health.

5. Popular participation

329. Several measures have been taken to encourage the community to participate to the full in the planning, organization, management and monitoring of primary health care. The arrangements for drawing up the national economic and social development plans assign an important place to consultation of the various social groups, in either national, sectoral or regional commissions. The Eighth Economic and Social Development Plan (1992-1996), which takes into account the actual situations in the country's various regions, contains the plan for in-depth reform of the health sector.

330. The 1989 legislation concerning regional councils provides for the participation of representatives of the local people in the planning and management of primary health care. Similarly, the regional and local health councils established by the legislation on organization of the health system play an important role in this area.

331. Furthermore, with a view to improving the approach to certain specific problems, the Ministry of Health has created several technical committees pursuant to article 8 of the Act on organization of the health system. The following committees were created in 1992:

(a) Technical committee on mental health;

(b) Technical committee on preventing and combating AIDS;

(c) Technical committee on prevention and treatment of chronic renal failure;

(d) Technical committee on health education.

These multisectoral committees are required to contribute to the drafting of national programmes in their specific spheres, propose objectives and strategies to be implemented as part of a multisectoral approach, and recommend measures for the evaluation, implementation and monitoring of the programmes in question.

332. Positive collaboration has also been taking place for several years with national NGOs, particularly with respect to health education. This collaboration has made a contribution to attainment of the objectives of the national programmes. We cite for example:

National Union of Tunisian Women (UNFT);

League of Women Medical Professionals;

League to Combat Tuberculosis and Respiratory Diseases;

Tunisian Red Cross;

Tunisian Family Planning Association (ATPF);

Tunisian Organization for Education and the Family (OTEF);

Tunisian Association to Combat AIDS (ATLS);

Tunisian AIDS Information and Guidance Association (ATIOS);

Tunisian Pedontics Association (STPP).

6. Education for all

333. Education for health is one of the fundamental components of the primary health care strategy. Since 1992 health education has been regarded as a support activity for the various national programmes and it is an important aspect of school and university medicine. For some programmes, such as the ones on AIDS, rabies, diarrhoea among children, perinatal services, etc., a specific education strategy is implemented in close collaboration with the health partners and using a multiplier approach.

334. It must be pointed out here that children and adolescents are targeted by this education-for-health programme as recipients and agents who can pass on the benefits, and health topics are increasingly incorporated in primary and secondary curricula as well as in cultural activities in schools and universities (hygiene, nutrition, accident prevention, living with domestic animals, prevention of transmissible diseases, contraception, sexually transmitted diseases, AIDS ...).

335. In addition to these specific strategies, events are occasionally organized for the purpose of providing information and education to improve the people's health. Such events include:

(a) National preschool health day;

(b) National blood donors' day;

(c) Day for secondary school health clubs;

(d) Maghreb campaign for action against diarrhoea;

(e) Maghreb vaccination days;

(f) Maghreb primary school health week;

(g) World Health Day;

(h) World No-Tobacco Day;

(i) World AIDS Day; etc.

336. In addition, comprehensive media support, based on permanent cooperation with the mass media (national radio and television services, regional radio services, press) has been developed and gradually strengthened by:

(a) Organization of discussion or information seminars (Media and Health) for media professionals;

(b) Participation in numerous medical broadcasts on radio and television;

(c) Twice-daily TV health spots;

(d) Publication of press articles to promote health or provide health education (extracts from agency files or original articles);

(e) Production and distribution of teaching aids (posters, leaflets, folders ...).

7. International assistance

337. International assistance provides quite important support for health activities in Tunisia and for the implementation of several of the health programmes. This assistance includes multilateral aid, provided mainly by

specialized agencies (WHO and UNICEF) and by other bodies such as the United Nations Fund for Population Activities (UNFPA), UNESCO and the Arab Gulf Programme for United Nations Development Organizations (AGFUND), bilateral assistance on the basis of agreements between countries, and aid from the World Bank. It takes various forms: grants, loans, and technical assistance. It is concerned in particular with research, training and the transfer of technology.

H. Right to education: article 13 of the Covenant

1. Goals and purpose of education

338. Article 13 of the Covenant does not merely proclaim the universal right to education: it is also concerned with the main principles which must govern the policy of States in this area. These principles are generally echoed in article 1 of the Act of 29 July 1991, which states that the purpose of the education system is to:

> "Offer young people, from their early childhood, what they need to learn in order to consolidate their awareness of the national Tunisian identity, develop their civic sense and feeling of belonging to the national, Maghreb, Arab and Islamic civilization, and instil in them an outward-looking attitude to the modern world and human civilization;
>
> Educate the young generations to be faithful and loyal to Tunisia;
>
> Prepare young people for a life in which there is no place for any form of discrimination or segregation based on sex, social background, race or religion;
>
> Enable pupils to master the Arabic language, as the national language, so that they can use it in learning and production processes in the various fields of knowledge: human sciences, exact sciences and technology;
>
> Ensure that pupils learn a foreign language to a sufficient level to enable them to have direct access to works of universal thought, technical works, scientific theories and human values, and train them to follow developments in these areas and to contribute to them in such a way as to enrich the national culture and its interaction with the universal human culture;
>
> Offer pupils the right to develop their personality and help them to achieve their own maturity in such a way that they become educated in the values of tolerance and moderation;
>
> Help to develop their personality and potential, encourage in them the formation of a critical outlook and effective will so that, little by little, they acquire rationality and moderation of judgement, self-confidence, a spirit of initiative, and creativity in their work;
>
> Achieve a balance in the education of the young generations between the various topics of education in such a way that equal attention is given to the sciences, the humanities, technology, manual dexterity and the other cognitive, moral, affective and practical dimensions;

Enable pupils to engage in physical and sporting activities as an integral part of their education;

Prepare young people to face the future by encouraging self-education at the various levels of instruction so that when they leave the education system they are able to follow the rapid changes of modern times and make a positive contribution to them;

Accustom pupils to enjoy work and to take into account the moral value of work and its effective role in the training of individuals, protecting the nation and contributing to the flowering of human civilization;

Ensure that education fulfils its role in the country's general progress by teaching pupils skills and aptitudes to enable them to carry out the integrated development tasks which such progress requires;

Endeavour in its programmes and methods at all stages of education to instil an awareness of citizenship and a civic sense so that pupils leave Tunisia's school system as citizens in whom an awareness of rights is inseparable from the performance of duties in accordance with the requirements of life in an institutionalized civil society based on the oneness of freedom and responsibility."

339. These objectives, as stated in the Convention on the Rights of the Child and in the 1991 Act quoted above, echo a fundamental principle: the need to guard children against ideological indoctrination and religious extremism. This means that the State, the guardian of children's right to education, must establish the necessary legal structures and instruments to ensure the comprehensive realization of the objectives and principles assigned to education and provide effective guarantees of the protection of children against the various covert or open practices by which some people uncover in children extremely fertile ground for ideological or religious indoctrination.

340. This is the direction which Tunisia has taken, in particular by enacting the decrees implementing the 1991 Act and the general reform policy decided upon by the Head of State and carried out by the Ministry of Education and Science in close collaboration with everyone working in this field (teachers and their representatives in the various teaching and trade-union organizations), a policy in which national associations (parents' associations, Organization for Education and the Family, etc.) and international cooperation bodies take an active part.

2. Universal (free and compulsory) education

341. Despite its limited financial means Tunisia has given priority to human resources and since its independence in 1956 has undertaken a vast programme for the development of primary, secondary and higher education. Between 1955/56 and 1994/95 enrolment in primary education increased seven-fold from 209,000 to 1,472,844 (see annexed table).

342. The same development can be seen in the net rates of attendance at public primary school (6-12 years), which rose from 83.6 to 91 per cent between 1984/85

and 1994/95, and in the net rates of attendance by six-year-olds, which increased during the same period from 92 to 98 per cent.

343. The increase in secondary education was even more striking than in primary: 31,095 pupils in 1955/56 and 662,222 in 1994/95 (see annexed table).

344. This increased school attendance encompassed boys as well as girls, with the proportion of girls attending school increasing between 1955/56 and 1994/95 by:

	From 1955/56	to 1994/95
Primary	28.0 %	46.8 %
Secondary	22.4 %	48.3 %

345. The operating and investment budgets allocated to public education (primary and secondary) more than doubled between 1987 and 1994.

346. Even during the years in which the situation was difficult the country maintained a high level of resources for the education sector and secured an increase in school attendance without imposing any charges for education; this was due to good regulation of flows and control of costs.

347. Several measures have been taken to help the regions with low school attendance, including:

(a) The provision of social assistance for children of poor families, including scholarships;

(b) The gradual extension of the provision of school canteens in rural areas;

(c) The use of the national solidarity programme, known as "26-26", to help the poorest regions: electrification, drinking water, road network, sanitation system, construction of school buildings, etc.

(d) The provision of assistance for the disabled and pupils lagging behind in their schooling, so as to enable them to exercise their right to education;

(e) Implementation of a more balanced and harmonious regional development policy.

348. It is emphasized that like the other types of education secondary education is free. Only token charges are made at the time of annual enrolment.

349. The statistical data given above generally confirm the priority given to education in Tunisia's economic and social development strategy. The National Plan of Action for implementing the World Declaration on the Survival, Protection and Development of Children, drawn up in October 1991, nevertheless calls for a redoubling of efforts to achieve the following goals, among others:

(a) Extension of basic education with a view to achieving by 2000 a rate of 80 per cent of children aged six to 14 completing the full course of primary schooling;

(b) Reduction of the drop-out rate from 7 to 5 per cent in 1996 and to 3 per cent in 2000;

(c) Reduction of the school failure rate from 21 to 8 per cent in 1996 and to 5 per cent in 2000; etc.

350. These goals are generally attainable as a result inter alia of the reforms in the education system which were consolidated in Act No. 91-65 of 29 July 1991. This Act states inter alia that "the State shall guarantee, free of charge, to all those of school age, the right to an education in school and shall offer all students, so long as they are capable of regularly pursuing their studies in accordance with the regulations in force, the maximum equality of opportunity in the enjoyment of that right ..." (Art. 4). Article 7 adds an equally beneficial provision, under which basic education - the duration of which is fixed at nine years by article 8 - "shall be compulsory from the age of six years until the age of 16 years for all students capable of regularly pursuing their studies ...".

351. Several associated measures have been adopted to promote the right to education. These mainly academic measures, separate from the social measures described earlier, include improvement of the internal performance rates of education institutions, upgrading of the qualifications of the teaching profession and of the standards of the initial and further training of teachers, etc.

352. For persons who have received no primary education or have not completed the course, various actions have been taken, in addition to the national efforts to eliminate illiteracy, in order to increase their participation in the education system:

(a) Organization and development of vocational training arrangements;

(b) Encouragement of the private sector to create its own institutions;

(c) Creation of technical schools (écoles de qualification technique - EQT) */ in all the governorates to allow the continuing education of pupils who have shown little aptitude for general education, with a view to preparing them for vocational and practical training;

(d) Location of schools close to residential areas;

(e) Awareness-raising activities carried out by NGOs and local authorities.

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*/ In September 1994 there were 88 EQTs with 15,935 pupils, including 5,972 girls enrolled for various subjects.

3. Performance of the education system (enrolment, graduation and drop-out rates)

353. New enrolments increased, as shown in the table below, from 58,000 in 1975/76 to 218,507 in 1991/92 but then, owing to the regulation of births by the family planning policy, the figures declined to 217,785 in 1992/93, 215,156 in 1993/94 and 204,971 in 1994/95.

New enrolments for the first year

School year	New enrolments			Change		% Girls
	Boys	Girls	Total	Boys	Girls	
1975/76	82,067	58,700	140,767	100	100	41.7
1980/81	90,210	73,454	163,664	110	125	44.9
1985/86	105,309	92,734	199,043	128	158	46.8
1990/91	112,356	102,599	214,955	137	175	47.7
1991/92	114,253	104,254	218,507	139	177	47.7
1992/93	113,465	104,320	217,785	138	177	47.9
1993/94	111,683	103,473	215,156	136	176	48.1
1994/95	105,982	98,989	204,971	129	169	48.3

These figures show a very considerable increase in the net enrolment rate of six-year-old girls in primary education, which reached 96.9 per cent in 1994/95 as against 54.7 per cent in 1975/76, i.e. an increase of 42.2 points over a period of 19 years.

354. For boys of the same age the net enrolment rate showed an increase of 25.6 points over the same period.

355. Increased school attendance by girls has produced a fairly rapid reduction in the gaps which still exist between the levels of schooling of girls and boys. In terms of the net enrolment rate in the first year of primary, the gap was 18.8 points in 1975/76 but only 2.2 points in 1994/95.

356. An analysis based on the index of change and the proportion of girls in the total number of new enrolments confirms this reduction in the gap between the levels of schooling of the two sexes.

Evolution of attendance rates in public primary education 1984/85 to 1994/95

		84/85	85/86	86/87	87/88	88/89	89/90	90/91	91/92	92/93	93/94	94/95
Net attendance rate, age 6	B	96.4	97.1	94.2	95.2	98.3	97.9	98.6	100.0	96.6	97.7	99.1
	G	87.3	87.2	86.6	87.1	91.5	92.1	93.9	95.5	93.3	94.5	96.9
	T	92.0	92.3	90.5	91.3	95.0	95.1	96.3	98.0	95.0	96.1	98.0
Net attendance rate, age 6-12	B	90.5	91.4	92.1	91.6	91.6	91.9	92.3	92.8	92.0	94.1	94.5
	G	76.5	78.4	79.6	79.8	80.4	82.0	83.6	82.9	85.2	87.0	87.4
	T	83.6	85.1	86.0	85.8	86.1	87.1	88.1	87.7	88.7	90.6	91.0

357. The following table shows a clear and continued improvement in the proportion of girls in total new enrolments by governorate in the period 1975/76 to 1994/95. The gaps between the lowest percentages and the national average in 1985/86 had narrowed considerably by 1990/91 and 1994.

New enrolments in the first year of primary/governorate
(% girls)

	1975/1976		1990/1991		1994/1995	
Gouvernorate	% Girls	Negative gap/national average	% Girls	Negative gap/national average	% Girls	Negative gap/national average
Tunis	48.0		49.3		48.7	
Ariana	48.0		49.0		48.9	
Ben Arous	48.0		49.2		49.2	
Zaghouan	40.4	-1.3	44.5	-3.2	46.3	-2.0
Bizerte	44.9		48.1		47.8	-0.5
Beja	39.9	-1.8	47.0	-0.7	49.5	
Jendouba	37.5	-4.2	45.7	-2.0	46.4	-1.9
Siliana	37.6	-4.1	46.3	-1.4	48.3	
Le Kef	40.8	-0.9	47.4	-0.3	47.5	-0.8
Kasserine	33.5	-8.2	44.0	-3.7	47.3	-1.0
Sidi Bouzid	30.3	-11.4	46.3	-1.4	47.4	-0.9
Gafsa	41.5		47.4		47.8	-0.5
Tozeur	41.5		49.4		49.8	
Tataouine	42.4		48.0		49.7	
Medenine	42.4		49.0		48.9	
Kebili	42.4		50.0		47.6	-0.7
Gabes	42.4		48.8		49.9	
Sfax	42.8		48.2		48.6	
Mahdia	36.2	-5.5	48.2		48.7	
Kairouan	32.4	-9.3	46.6	-1.7	47.2	-1.1
Monastir	44.3		48.5		48.5	
Sousse	44.2		48.2		48.8	
Nabeul	44.5		48.2		48.5	
Total	41.7		47.7		48.3	

358. The incidence of drop-outs was fairly high up to 1989/90, the school year in which basic education was established. In 1989/90, out of a total enrolment of 1,368,732 pupils in the first six years of primary education 95,879 abandoned their schooling. The establishment of basic education (nine years for children aged six to 16), the restructuring of secondary education (deferment of stream option, diversification of Baccalauréat, etc.) and the compulsory and free nature of education have helped to limit this phenomenon in public schools.

359. The following table shows the evolution of the drop-out rate for the first six years of primary education for the school year 1989/90 and the following three years:

School year	1st year			2nd year			3rd year			4th year			5th year			6th year			Total		
89/90	B	G	T	B	G	T	B	G	T	B	G	T	B	G	T	B	G	T	B	G	T
90/91	1.2	2.2	1.7	1.1	1.8	1.4	2.8	3.5	3.1	4.5	5.1	4.8	8.4	8.2	8.3	24.0	22.6	23.4	7.0	7.1	7.0
91/92	1.3	1.6	1.4	1.3	1.9	1.6	3.0	3.0	3.0	4.3	4.6	4.5	8.5	7.8	8.2	17.9	16.0	17.0	5.8	5.5	5.6
92/93	0.9	1.2	1.0	0.7	1.1	0.9	2.4	2.7	2.6	3.4	3.1	3.3	6.2	6.5	5.9	18.2	14.9	16.6	4.9	4.4	4.7
93/94	1.1	1.4	1.2	0.6	0.8	0.7	2.3	2.0	2.1	3.1	2.7	2.9	5.2	4.8	5.0	17.8	15.5	16.7	4.8	4.3	4.6

The figures in this table prompt the following comments:

(a) The drop-out rate has declined considerably (7 per cent in 1989/90 and 4.6 per cent in 1993/94);

(b) The drop-out rate is considerably lower for girls than for boys.

360. The drop-out phenomenon is quite striking in secondary education, for every year about 50,000 pupils on average leave school without obtaining a diploma. The following table shows the distribution of drop-outs by sex in 1989/90 for the last three school years.

School year	Number of drop-outs			Drop-out rate (%)		
	Boys	Girls	Total	Boys	Girls	Total
89/90	31,122	19,106	50,228	11.6	8.9	10.4
91/92	32,106	20,147	52,253	11.6	8.3	10.1
92/93	31,281	21,661	52,942	10.5	8.1	9.3
93/94	33,113	23,086	56,199	10.5	8.0	9.3

It will be noted that in comparison with the 1989/90 school year the drop-out rate is declining, especially among girls, and that the rate is lower for girls than for boys.

361. In contrast, the graduation rate has shown a considerable increase, especially since the entry into force of the reform of the education system.

Evolution of enrolment rate in the first year of secondary* by sex over the last five years

School year	Applied			Admitted			Admission rate (%)		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
1990	124,124	100,797	224,921	49,218	41,306	90,524	39.7	41.0	40.2
1991	126,294	104,633	230,927	53,801	48,203	102,004	42.6	46.1	44.2
1992	117,011	98,432	215,443	66,780	57,753	124,533	57.1	58.7	57.8
1993	108,914	94,483	203,397	58,925	55,035	113,960	54.1	58.2	56.0
1994	118,774	103,901	222,675	69,692	64,073	133,765	58.7	61.7	60.1*

* This rate is 59.9 per cent, not including private education.

The rate of admission to the competitive entrance examination for the first year of secondary increased from 40.2 to 60.1 per cent between the June 1990 and

June 1994 sessions. At the national level it was higher for girls than for boys, and this was also true for the majority of the governorates, as shown in the table giving the June 1994 results. (A table showing the entrance results for the first year of secondary (June 1994) by governorate is included in the annexes.)

362. Rate of admission to the Baccalauréat (after seven years of secondary education):

Evolution of admission rate to Baccalauréat by special subject
(during the last four sessions) *

	June 1992			June 1993			June 1994		
Stream	Applied	Admitted	%	Applied	Admitted	%	Applied	Admitted	%
Arts	27,147	10,044	37.0	28,136	9,360	33.3	30,160	11,621	38.5
Mathematics	3,640	2,409	66.2	3,450	2,332	67.6	3,724	2,508	67.3
Experimental sciences	12,559	6,235	49.6	12,013	6,165	51.3	13,440	4,965	36.9
Mathematics-technology	1,860	913	49.1	1,693	902	53.3	1,880	877	46.6
Total	45,206	19,601	43.4	45,292	18,759	41.4	49,204	19,971	40.6

* Excluding private education.

June 1995 Session *

Stream	Applied	Admitted	%
Arts	23,499	8,201	34.9
Mathematics	6,909	4,035	58.4
Experimental sciences	14,177	7,259	51.2
Mathematics-technology	740	543	73.4
Total	45,325	20,038	44.2

* Excluding private education.

363. New Baccalauréat streams were introduced for the 1993/94 school year under the revised structure of secondary education instituted by the reform. The diversification of streams and the deferment of stream option to the end of the fifth year of ordinary secondary education enable young people to acquire a balanced education and make a more responsible choice more in keeping with their aptitudes. At the end of the fifth year of secondary school pupils choose between five streams: arts, mathematics, experimental sciences, technology, and economics and administration. They all lead to the Baccalauréat. The first classes opting for "economics and administration" and "technology" took the Baccalauréat in June 1995.

4. Education budget

364. Articles 24 and 25 of the Act of 29 July 1991 on the education system states:

"The State shall be responsible for the construction of public education establishments. Local communities and economic and social institutions may contribute to such expenditure in accordance with the legislation in force (art. 24).

The resources of preparatory schools, secondary schools and pilot secondary schools shall be provided by the State in respect of equipment and administration, by moral or physical persons or other bodies, by legacies and donations, by the income from goods and services, by the proceeds of enrolment fees chargeable to pupils whose parents are in a position to pay them, and by insurance and library fees (art. 25)."

Evolution of the budget of the Ministry of Education
(primary and secondary)

(millions of dinars)

	1990	1992	1994	1996
Operating costs	457.5	569.1	693.8	836.4
Investment costs	74.9	68.8	76.2	100.5
Total	532.4	637.9	770.0	936.9
Education budget/State budget (%)	14.5	14.3	13.5	13.5

5. Description of the school system

(a) Structure of the education system in Tunisia before and after the July 1991 reform

365. A diagram showing this structure is annexed to this report.

(b) Organization of courses, advisory services and assessment

366. Tunisia's education system provides basic education of nine years divided into two cycles (six and three years). The (competitive) promotion examination, marking the successful conclusion of the first cycle of basic education, was discontinued from the 1994/95 school year.

367. The introduction of the second cycle of basic education (seventh, eighth and ninth years) and the admission to it of a larger number of pupils may lead to an increase in the numbers failing to complete the course unless teaching methods and curricula are altered. This is the reason for the creation of the technical schools, which operate in parallel with the second cycle of basic education, for they are designed to enable pupils experiencing difficulties to acquire a trade, after a preliminary period of training, by means of vocational education.

368. Admission to secondary education is subject to a national examination at the end of the second cycle of basic education (ninth year). "Secondary education is open to all holders of the basic education graduation certificate" (art. 8). The four years of secondary education are divided into two cycles of two years. The first cycle, taken by all pupils, is designed to provide a general education enabling the pupil to choose one of the five subject streams

in the second cycle: arts, experimental sciences, mathematics, economics and administration, and technology. All these streams lead to the Baccalauréat. The diversification of subject streams is designed to increase the choices open to pupils.

369. Although promotion from basic to secondary education is subject to a national examination, advancement from one year to the next within each cycle depends on the marks obtained during the school year. Pupils are evaluated by means of continuous assessment in conjunction with examinations every term. For each level of education the term averages are calculated on the basis of coefficients assigned to each subject. The assessment process itself is governed by official regulations.

370. The stream option, which in the previous system was made at the end of the ninth year, has been deferred to the eleventh year, following the two common years of secondary education. This change is essentially justified by the following reasons:

(a) The technical subjects (industrial technology and economics), which coexisted with the general education subjects, used to take in the failures. They offered few career prospects and were thus rejected by pupils and their parents;

(b) The deferment of stream option for two years makes it possible to provide the pupils with a more general and more balanced education.

371. Correction of the imbalance caused by the old system of stream option constitutes one of the biggest challenges to the new reform. The need is to achieve in a few years a reduction in the percentage of pupils advised to take up arts subjects from 60 to 30 per cent (this goal was already achieved in 1994/95). Several measures were taken in order to achieve this goal, including the introduction of quotas for stream options in the eleventh year, the dissemination of information, and the creation of careers advice services and appointment of careers advisers in secondary schools.

(c) The school timetable

372. In June each year the Minister sends to all the central and regional administrative directors, to the heads of public and private schools and to education inspectors a circular setting out the dates of the beginning and ending of the new school year for pupils and teachers and the dates of school holidays. The school year begins on 15 September and ends on 30 June for all public and private primary and secondary schools.

373. In addition to the summer holidays (1 July to 14 September) there are the winter and spring holidays (two weeks each) and holidays to mark national, international and religious days and festivals.

6. Non-discrimination and equality of opportunity in education

374. The implementation of the reform of the education system proceeded without major problems. However, other difficulties quickly emerged. They included the following:

(a) The question of the shortcomings found in certain thinly populated areas. The Government has made an effort to reduce such failings to a minimum by:

(i) Providing social assistance for children of poor families;

(ii) Gradual extension of school canteens in rural schools;

(iii) Utilization of the "26-26" national solidarity programme in the poorest regions;

(b) The multiplicity and diversity of the teacher-training tasks (due to the curriculum changes and the heterogeneity of the teaching profession itself);

(c) Practical experience of compliance with the spirit of the reform has shown that not all teachers have accepted with equal enthusiasm the values embodied in the Act of 29 July 1991. The oldest teachers are often the most reluctant to accept the reform and the changes;

(d) The principle of free education. This principle had already been stated in the 1958 Act and was restated in 1991. In application of this principle the State has endeavoured to establish the necessary infrastructure throughout the country. A great effort is being made in rural areas to facilitate attendance at schools which are often constructed even before the road and electricity systems have been put in place.

375. In order to encourage teachers to accept posts in rural schools, they are accorded specific allowances, together with accommodation and improved working conditions; these measures, in conjunction with the achievements of the "26-26" programme, have produced a very high rate of school attendance (98 per cent for six-year-olds and 91 per cent for the 6-12 age group).

376. School attendance is compulsory, and the State provides access to school for all children of school age. Parents who refuse to enrol their six-year-old children or withdraw them before the age of 16 are liable to prosecution.

377. Incentives have been introduced to encourage parents to comply with this obligation. These incentives include the provision by the State and NGOs of assistance in the form of free text books, exercise books and school uniforms, in addition to the advantage of use of the school canteens, which are becoming increasingly common in rural areas. In addition, the State subsidizes 80 per cent of the cost of text books and exercise books.

378. With regard to the quality of teaching, surveys carried out in 1992 by a foreign research organization on the achievements of pupils in the first and second years of basic education showed a clear improvement over the former system. Similar studies are being carried out for the fourth and fifth years of basic education.

379. In addition, a research-training project has been undertaken with UNICEF collaboration. Its purpose is to improve the system's internal performance while ensuring high-quality teaching and respect for the values embodied in the reform of the education system.

380. Lastly, the reform brought with it the need for increased teacher training owing to the curricula changes and the heterogeneity of the teaching profession itself.

Gender equality of opportunity in education

381. The new reform of the education system has improved gender equality both in the schools themselves, since co-education is now the rule in Tunisia, and in the choice of subject streams, even if there is still some reluctance to take technical subjects, especially among girls.

382. The Ministry of Education has taken various measures, especially under the education reform programme, in order to achieve the goal of equality of opportunity. These measures consist of extensive campaigns of information, awareness-raising and motivation, encouraging people to abandon the prejudices which regarded girls as unsuitable candidates for certain occupations and thus not suitable for taking certain "male" subjects. Several seminars have been held on this topic both at the national level and in various regions of the country, involving the regional coordinators for information and school and university advisory services and organizations such as the National Union of Tunisian Women, the Tunisian Organization for Education and the Family, and the National Organization of Schoolchildren.

383. In addition to these activities, other specific initiatives have been taken at the regional and national levels:

(a) Meetings with leaders of industry;

(b) Conferences on this topic given by experts;

(c) Organization of study visits to industrial enterprises using advanced technologies and to the laboratories recently set up in establishments offering a technical subject option. In addition, girls opting for technical subjects are eligible for scholarships and are given priority with respect to boarding places.

Boarding schools and scholarships

384. In 1994/95 there were 251 boarding houses in the 712 public secondary schools. The following table shows the evolution of the number of full-time and part-time boarders and scholarship-holders for the last five years.

School year	1990/91	1991/92	1992/93	1993/94	1994/95
Full-time	59,233	57,569	62,292	64,760	71,014
Part-time	21,173	21,920	24,470	26,518	28,900
Scholarships	57,916	57,350	59,967	61,649	66,066

385. A table annexed to this report shows, for both girls and boys, the numbers of full-time and part-time boarders and scholarship-holders (including full scholarships) and the number of establishments with boarding houses by governorate for the 1994/95 school year.

7. Material situation and standard of living of teaching profession

386. The personnel of the Ministry of Education enjoy specific benefits (teaching allowance, training allowance, allowance for teaching in rural areas, etc.). As a result of these benefits teachers' earnings are clearly higher than those of other public employees with equivalent qualifications.

387. There is no discrimination based on sex, religion or any other consideration with respect to salaries, working hours, etc.

388. Tables annexed to this report show the weekly timetable and the gross salaries at the beginning and end of the teaching career for all categories of Ministry of Education personnel.

8. The private education sector

389. The granting of licences to set up private schools and their organization and management are governed by the Act of 29 July 1991 and Decree No. 92-1187 of 22 June 1992.

390. The private primary sector is small in Tunisia (35 schools), but private schools play an important role in secondary education and particularly in vocational training.

391. The proportion of private schools in primary education was only 0.6 per cent in 1994/95. However, in urban areas the private education was of a high standard (93.1 per cent graduation rate in June 1994).

392. The following table shows the evolution of pupil numbers and the ratio of private to public education at the primary level.

	Public pupils	Private pupils	% Private
1975/76	920,924	9,074	0.975 %
1980/81	1,045,011	7,041	0.669 %
1985/86	1,285,883	5,607	0.434 %
1990/91	1,398,119	7,546	0.536 %
1991/92	1,417,803	8,412	0.590 %
1992/93	1,432,112	8,848	0.614 %
1993/94	1,467,411	8,918	0.605 %
1994/95	1,472,844	8,915	0.605 %

393. In general secondary education the private sector plays a significant role in relation to the public sector (71,018 pupils and 342 schools in 1994/95, i.e. about 11 per cent). The private sector recruits mainly from among pupils having difficulties and failing the public sector examinations, and its success rate in the Baccalauréat remains clearly lower than the public sector rate (14.3 as against 40.6 per cent in June 1994).

394. The following table shows the evolution of pupil numbers in private secondary education and their proportion in relation to the public sector.

	Public	Private	%
1995/56	31,095	450	1.5
1985/86	422,469	35,161	8.3
1990/91	496,840	67,700	13.6
1994/95	662,222	71,018	10.7

9. International assistance and cooperation

395. International assistance is involved in various Tunisian education projects and programmes:

(a) With UNICEF

396. Technical and financial assistance activities have been started up. This assistance is designed to improve the quality of teaching, particularly in rural and semi-rural schools, and to secure improved integration of girls in the education system, particularly girls living far from the urban centres. All of this is designed to reduce the drop-out and repeated-year rates among the children covered by the activities.

397. Another project, funded by the Ministry of Education and UNICEF, deals with education for health. With a view to improving children's health, this project is producing several guides for teachers in both languages and covering all levels of education. The UNICEF share in the funding of the project for 1992-1994 amounted to $US 150,000.

(b) With UNFPA

398. A programme entitled "Incorporation of education in population questions in the first four years of the first cycle of basic education" has been started up. The aim of this project is to incorporate education in population questions in the first four years of basic education by preparing teaching guides, training inspectors and teachers, and producing audiovisual tools. It is also responsible for revision of the guides for the fifth and sixth years of primary education produced under the preceding project. The guide to the first and second years has been produced, tested and distributed. The inspectors have been trained to provide training in turn to all teachers so that proper use may be made of this tool. The guide for the third year is being tested in the classroom. The National Committee on Education in Population Questions is preparing the guide for the fourth year.

399. The project is funded by the Ministry of Education and UNFPA. The budget approved by UNFPA for 1993-1996 amounts to $289,430. The contribution of the Tunisian Government is D1,870,000 (equal to the dollar amount).

(c) With WFP

400. The school canteens in rural areas receive particular attention from the Tunisian Government. In 1994/95 there were 1,981 canteens distributed throughout the country and requiring clearly increasing commitments amounting to D3,772,000 for Tunisia and $1,480,000 for WFP (the total aid provided by WFP is $7,400,000 for the period 1993-1998). The canteens are used by 302,000 pupils.

10. Right to education and battle against illiteracy

401. During the 1960s the expansion of education was accompanied by a major adult literacy campaign. However, despite this campaign the illiteracy rate remained high. In 1989 in fact 37.2 per cent of Tunisians aged 10 and over were still illiterate.

402. Given the persistence of this phenomenon and its incompatibility with the country's economic and social development programmes on the one hand and with the requirements and aspirations of Tunisia's citizens on the other, the State decided to introduce a new literacy strategy, which includes:

(a) Upstream, the extension of compulsory basic education to all children aged six to 16;

(b) Downstream, the development of programmes to combat illiteracy in the 15-44 age group.

This strategy also includes socio-educational back-up measures to prevent children from failing at school.

403. A national plan to combat illiteracy was established as a mark of the Government's determination to implement its commitments under the World Declaration on Education for All adopted at Jomtien, Thailand, in March 1990 and the plan for universal primary education and elimination of illiteracy in the Arab countries adopted in 1989. Under the national plan some 103,000 persons, i.e. 22.6 per cent of the illiterate population in the 15-29 age group, will learn to read and write. A National Commission to Combat Illiteracy has been created for this purpose.

404. The NGOs have been called upon to support the State effort. The National Union of Tunisian Women received the 1994 UNESCO prize for its efforts to promote literacy. Furthermore, the Tunisian Organization for Education and the Family (OTEF) has already been taking an active part in the strategy and has furnished the support of its teaching staff and logistical facilities.

I. Article 14 of the Covenant

405. This article does not apply to Tunisia.

J. Right to enjoy the advantages of cultural freedom and scientific progress: article 15 of the Covenant

1. Right to participate in cultural life

406. Tunisia has always based its global development strategy on the human factor and it numbers the emancipation of Tunisians and their cultural

advancement among its primary purposes and concerns. The participation of citizens in cultural life is one of the essential vectors of this emancipation. Thus, the State endeavours to ensure the optimal conditions for effective exercise of this right by all citizens without any kind of discrimination or exclusion based on any criterion of age, sex, religion, language or other consideration.

(a) Participation and freedom

407. Article 8 of the Constitution guarantees freedom of opinion, expression, publication, assembly and association provided that this freedom is exercised in accordance with the conditions specified by law (see art. 8 of the amended 1957 Constitution). In Tunisia no legal or administrative regulation or restriction denies the individual's freedom to choose the field of his participation and mode of creation, expression or dissemination (see Press Code: Act No. 93-85 of 2 August 1993). The latest amendments to the Press Code have generally simplified the procedures for registration of copyright, which are now the responsibility of the Ministry of Culture.

(b) Public funds allocated to cultural development

408. Through its budget the State allocates an increasing volume of funds to the development of the nation's cultural life. In the use of these funds priority is given to:

(a) Support for creative cultural activities and production of cultural works (subsidies for book publishing, production and dissemination of artistic works);

(b) Preservation and development of the national intellectual, artistic and archaeological heritage;

(c) Expansion of the social basis of participation in cultural life (establishment and management of cultural institutions, support for festivals, events and cultural associations ...).

(c) Encouragement of the private sector

409. In addition to the public effort to support culture, in recent years the State has promoted a voluntarist policy to step up the participation of the private sector in the development of cultural life. This policy has led to the inclusion of private cultural investment among the priority investment sectors (development support sectors), which enjoy many fiscal and financial advantages under the new Single Investment Code (tax exemptions, grants, access to bank credit ...). The Code's provisions apply to all cultural sectors (cinema and audiovisual, music, cultural centres, theatre ...) (see Act No. 93-120 of 27 December 1993 promulgating the Investment Promotion Code).

410. In addition to these advantages, private cultural agencies enjoy direct budgetary support from the production and distribution promotion funds (subsidies for stage, cinema and musical productions and for book publishing, annual budget allocations for the acquisition and distribution of entertainments).

(d) Promotion of cultural identity

411. Tunisia is a highly civilized country with thousands of years of history, and where its identity is concerned it has a profound and homogeneous system of reference. The preservation and consolidation of this system is a priority strategic focus in our cultural policy. But this choice does not clash with the equally vital need to be open to other cultures, to respect differences, to engage in dialogue and exchanges with other peoples, and to banish all forms of cultural intolerance and chauvinism.

412. Tunisia's unwavering commitment to respect these principles was marked by the convening in Tunisia in 1995, under the auspices of UNESCO, of the International Conference on Tolerance in the Mediterranean Area and by the Covenant which resulted from the Conference.

(e) Communications media and culture

413. In Tunisia the information and communications media play an important role in supporting cultural life.

414. Every day the public radio and television bodies devote considerable time during peak audience periods to covering current cultural events and encouraging the public to take part in them. The daily and periodical press has regular pages or regular supplements on cultural topics.

415. The Ministry of Culture publishes a periodical review in Arabic, "Cultural Life", which has a readership extending far beyond Tunisia's frontiers.

(f) Safeguarding and preserving the cultural heritage

416. Tunisia does everything it can to identify, safeguard and develop its cultural heritage in all its wealth and extent. This duty is a true imperative since several elements of this heritage are part of the cultural heritage of mankind. A multi-dimensional strategy is implemented for this purpose and it has been consolidated over recent years by more effective legal, institutional and logistical arrangements, including:

(a) Extension of the functions and powers of the National Heritage Institute as the main research and conservation body;

(b) Creation of the National Heritage Agency to rationalize the management of a heritage regarded as a factor of cultural, social and economic development;

(c) The recent establishment of specialized centres such as the Arab and Mediterranean Music Centre (1991), the National Ceramics Centre (1993), the National Dance Centre, etc.

417. As far as legislation is concerned, 1993 saw the promulgation of the Heritage Code (see Act No. 94-35 of 24 February 1994 on the Code of Archaeological, Historical and Traditional Arts), which redefines the status of Tunisia's cultural heritage and regulates its management with a view to effective protection and development.

418. The scale of the action required by the protection of its cultural heritage has prompted Tunisia to undertake a policy of extensive international cooperation for the protection of the main sites, monuments, manuscripts, works of art, etc. Nevertheless, the magnitude of the financial, human and technical resources required for this enterprise demands increased international support for the national effort.

(g) Vocational training in the cultural and artistic field

419. A large number of public and private institutions are responsible, depending on the cultural or artistic speciality in question, for ensuring academic or vocational and practical training. Some of these institutions are of national importance (Higher Institute of Music, Higher Institute of the Dramatic Arts, Higher School of Fine Arts, Higher Institute for Cultural Development and Young People).

420. A permanent course for the training of technicians specializing in the cultural heritage was established in 1994.

421. Other public and private institutes, centres, schools and conservatories provide various kinds of artistic training in Tunis and in the regions. They are constantly increasing in number, and their specialities grow more diverse from year to year.

(h) Other measures for the development and dissemination of culture

422. Attention must be drawn to other elements of the State's policy of facilitating access to culture and ensuring the broadest possible participation:

(a) Cultural outreach institutions. In conjunction with local authorities the State has developed networks of local and regional institutions whose function is to bring culture to the public and stimulate its participation:

(i) 450 "maisons de culture" have been established throughout the country and designed and equipped for the dissemination, promotion and initiation of various cultural activities. During the Eighth Development Plan (1992-1996) a big effort has been made to redevelop and stimulate these institutions so that they could have a genuine cultural impact in their areas. The management of the maisons de culture was decentralized to the regions in 1994;

(ii) There are 334 public libraries, including 23 library buses delivering reading materials to all areas of the country. In terms of cover, this service provides one book for every three persons. This rate is still below the target set by UNESCO (one book per person);

(b) Cultural events. Tunisia is distinguished by the great number of its cultural festivals. In addition to the big international thematic festivals (Carthage cinema and theatre days ...), almost all towns and rural communities

organize one or more annual cultural festivals to mark the various seasons of the year. There are 217 regular festivals classified as cultural.

(i) Protection of intellectual and artistic property

423. Protection of the interests of the producers of works of art is an essential condition for the development of creativity. Tunisia is committed to observance of all the international rules and regulations governing intellectual and artistic property and is currently working on a coherent strategy to ensure the inviolability of such property rights. The main focus of this strategy is the new legislation on protection of intellectual and artistic property promulgated in 1994 (see Act No. 94-36 of 24 February 1994 on the protection of intellectual and artistic property). This Act amends the 1966 Act, which had become out of date and ineffective. The new legislation redefines cultural and artistic property on new bases encompassing the new modes, mediums and forms of creation and all the procedural rules protecting such property. In order to ensure the application of this Act the Ministry of Culture is currently making arrangements for the establishment of the necessary institutions at the earliest possible date and for the drafting of the enabling regulations.

2. Right to enjoy the benefits of scientific progress

(a) Protection of scientific productions

424. The protection of the moral and material interests resulting from any scientific production includes the measures taken to protect literary and artistic property, including by means of the patents and standards system.

(i) Protection by the patents system

425. Discoveries and inventions are protected in Tunisia by patents. As long as a century ago, in 1888, a battery of texts already regulated the procedures and formalities for acquiring patents and keeping them in force. Today these texts are the following:

Decree of 26 December 1888 on patents to inventions;

Decree of 8 July 1899 on general measures for implementation of the preceding Decree;

Decree of 22 September 1892 setting the expiry date of the annual payments of royalties;

Decree of 31 August 1902 amending article 3 of the Decree of 26 December 1888;

Decree of 17 May 1932 revoking article 2 of the Decree of 22 September 1892;

Decree of 26 December 1939 extending the maximum duration of patent protection from 15 to 20 years;

Decree of 1 March 1956 amending articles 6, 28, 31, 38 and 41 of the Decree of 26 December 1888;

Act No. 82-66 of 6 August 1982 on standards and quality (art. 4);

Decree No. 83-894 establishing the nature, rates and collection modalities industrial property royalties.

426. With regard to the registration of patents in Tunisia by foreigners wishing to protect their inventions, in addition to Tunisia's own regulations there are the safeguards provided by the Paris Convention for the Protection of Industrial Property, signed on 20 March 1883 and amended inter alia by the Stockholm Convention of 14 July 1967, to which Tunisia has acceded.

427. It is clear that Tunisia has encouraged intellectual production by guaranteeing it comprehensive protection. "Any new discovery or invention, in any branch of industry, confers on its author the exclusive right to exploit the said discovery or invention for his profit." This right is recognized by the titles issued by the Government under the name of patent to invention. Recognition of this right constitutes recompense for the creative effort of the patent holder; and in the case of an enterprise, of the research and development effort.

(ii) Protection by the standards system

428. The Tunisian economy, which is relatively limited in natural resources, needs to remain open to external markets, and to confront new competitive situations in which quality and price competitiveness are a condition of survival not only in external markets but in the domestic market as well. This is why Tunisia must make major efforts to establish standards to guarantee the quality of its products. Here, quality is understood in a broader sense than mere conformity to norms or standards and means satisfying the needs and expectations of users with respect to product design, packaging, delivery times, price, sales outlets, after-sales back-up, and the quality of customer and all other services.

429. Within this framework the authorities have attached the necessary importance to the various institutions responsible for supporting programmes of action with the necessary back-up measures. To this end the Act of 6 August 1982 commissioned the National Institute for Standards and Industrial Property (INNORPI), created by the Act of 6 August 1992 and organized by Decree No. 82-724 of 4 August 1983 establishing the administrative and financial arrangements for INNORPI, to take all necessary action concerning standardization, the quality of goods and services, metrology and protection of industrial property.

430. Standardization is the business of establishing standards. The commonly accepted definition of a standard is the result of well-reasoned collective choice designed to serve as the basis of understanding for the solution of recurring problems; a standard represents a balance between the requirements of users and workers and between the technological and social possibilities of these two groups and the public interest which the authorities must safeguard. A standard which describes the characteristics of a product or service in relation to the current state of the art constitutes a common reference point which clarifies transactions concerning the product or service. By taking into account the requirements of regulation, a standard is a decisive factor in the

solution of problems of the hygiene and safety of goods and persons. Standardization covers all areas of social and economic life either directly or indirectly.

431. By virtue of its principles and its participatory approach standardization makes it possible to establish a dialogue between partners having divergent interests but whose actions are joint and complementary. It entails negotiation to find ground for understanding and compromise acceptable to all the parties by encouraging the search for a balance. It is thus an effective means of managing conflicts, a regulator of trade and a powerful factor for cohesion among the various economic operators.

432. In many cases standardization constitutes a genuine support for technological progress and plays a favourable role in innovation by virtue of the interdisciplinary and intersectoral transfers which it allows. It provides a support for study and research activities with respect to the experimental standards, testing methods and search procedures which are important tools in the service of laboratories.

433. Standards which make it possible to keep ahead of industrial developments thus facilitate the choice of investments and enhance productivity, forming new links between research and development and the industrial production sector.

434. Standardization constitutes a factor of progress for individuals and the community by helping to protect the physical and mental integrity of workers. When well designed and well understood, standards also work to the benefit of consumers. And they make a large contribution to the protection of workers through the establishment of safety policies and the application of hygiene, safety and environmental regulations.

435. The Tunisian standards system is characterized by a determination to harmonize and coordinate matters so as to ensure a unity of viewpoint. It is based on the active participation and consensus of all the parties concerned. The harmonization of agreed conclusions with centralized regulation is achieved by means of technical standards committees, whose members are drawn from all the parties concerned: INNORPI prepares a draft standard and submits it to a technical committee for examination and adoption. The draft standard is made available by the Institute for public examination with a view to comment. On the conclusion of this stage the draft standard, if the committee decides to make its application mandatory, is submitted to the Ministry of Industry with a view to its introduction by means of an order published in the Journal Officiel de la République tunisienne.

436. It must also be pointed out that in 1980 Tunisia acceded to the agreement on the technical barriers to trade (Standards Code) and opted for harmonization of standards at the international level in order to encourage the reciprocal recognition of national certification systems and prevent the use of standards as a technical barrier to international trade.

437. Standards play an increasingly important role in the world economy. They are a tool of industrial management which is necessary, even decisive, for a country's economic progress and they help to "make the difference" between products, both within a country and abroad. Standards play a direct part in the

development of foreign trade and the reconquest of the domestic market; they thus promote job security as well. They are also a means of securing progress for individuals and the community. They are a tool which contributes to the protection of workers by promoting safety and quality-control policies which have an impact from the human, social and economic standpoints. They also provide information for consumers at the point of purchase.

438. The national standards system is both flexible and efficient and thus guarantees the necessary balance between protection of industrial property rights and the requirements of the community as a whole and of the consumer in particular. But, as an instrument of arbitration and reference, the Tunisian system requires a number of improvements in order to:

Restore balanced negotiation and agreement of standards;

Enhance the skills of the persons involved;

Facilitate access to standards;

Ensure the application and observance of standards;

Provide the necessary technical assistance;

Produce technical information and disseminate it to users.

(b) Conservation, development and diffusion of science and culture (scientific research policy)

439. For a very long time economic and social development was perceived in most countries, and more particularly in the "developing" ones, as something determined largely by natural resources. Today it is virtually taken for granted that a nation's progress - whatever its size and resources - depends essentially on its mastery of scientific and technological progress on the one hand and on its social and political environment on the other.

440. Tunisia has made considerable progress in all areas, thanks in particular to the development of its human resources, and since 7 November 1987 it has enjoyed "a climate of confidence, security and tranquillity" never achieved before. It is today aware that the acceleration of its development requires it both to intensify its scientific research efforts and to give emphasis to the mastery of technology, which as the century ends has become an essential weapon in the battle for competitiveness.

441. For all these reasons the President of the Republic, Zine El Abidine Ben Ali, decided to equip the country with the necessary tools to promote scientific progress and technological innovation. This is the framework of the affirmation and protection of human rights in scientific and technical progress in Tunisia. It explains why the Tunisia of the new era has opted for a national scientific development policy targeted on the needs of Tunisian society and guaranteeing increased protection of human rights conceived as an essential condition of economic, social and cultural progress.

442. Tunisia has made many efforts to ensure the conservation, development and diffusion of science. They have covered both the institutional and the financial aspects.

443. From the institutional standpoint, many different reforms have been introduced in order to restructure the scientific research sector as a means of improving its performance, developing scientific knowledge and facilitating its applications in the economic, social, cultural and environmental fields. Act No. 89-70 of 28 July 1989 on higher education and scientific research led to reform of the organization and management of university and research institutions so that they could play their vital role as promoters of human and economic development and enhance the exercise of the human right of access to knowledge and enjoyment of its benefits.

444. The role of the universities, equipped with scientific councils representing the teaching and research institutions and research personnel and elected under a democratic system independent of the Administration, has shown considerable improvement over the earlier situation (regulated by Act No. 86-80 of 9 August 1986). The functions of the university councils and the scientific councils of teaching and research institutions have also been strengthened. The elected deans, or the institution directors appointed after consultation of the scientific committee and the president of the university, constitute the scientific and administrative authorities whose powers are established by Act No. 89-70 of 28 July 1989 and by Decree 89-1939 of 14 December 1989 on organization of universities and higher education and scientific research institutions.

445. Earlier, Act No. 87-83 of 31 December 1987, the Finance Act for the 1988 financial year, had restructured the University of Tunis by establishing the University of Science, Technology and Medicine of Tunis, the University of Law, Economics and Administration of Tunis, and the University of Arts and Social Sciences of Tunis. This decision had the effect of bringing the number of universities in Tunisia from three up to five, thus giving effect to the political will to decentralize learning and disseminate science to all regions of the Republic. The same legislation had reestablished the "Ezzitouna" University, an ancient institution which had made Tunis an important centre of learning, especially during the Middle Ages. This University has been furnished with three institutes of higher education.

446. University reform has also brought changes to the institutes of higher education and the content of their curricula designed to ensure that the scientific training is tailored to the needs of society and the economy and up to international scientific standards.

447. The scientific research sector has undergone equally remarkable development. University research, long neglected and focused essentially on training needs alone, was first reorganized under Act No. 89-70 of 28 July 1989 and Act No. 90-72 of 30 July 1990 on establishment of the Institute of Higher Agricultural Research and Education. In the early 1990s the research system saw the creation of:

(a) The National Scientific Research Foundation (Act 89-70 of 28 July 1989) attached to the Department of Higher Education and having the principal

function of promoting research in the universities for which the Department is responsible;

(b) The Institute of Agricultural Research and Education, attached to the Ministry of Agriculture and having the function of promoting agricultural research in the higher agricultural education institutes and agricultural research establishments operating under the Ministry;

(c) The Agency for Agricultural Training and Extension Work, established by Act No. 90-73 of 30 July 1990 and having the main function of helping farmers to benefit from scientific and technological progress achieved as a result of the work carried out by the universities and the research establishments.

448. New vigour was injected into the national research system by the creation, under the auspices of the Prime Minister, of a Secretariat of State for Scientific Research (20 February 1991), which was renamed Secretariat of State for Scientific Research and Technology in May 1992 in order to highlight the essential technological dimension of research. This Secretariat of State is a governmental body responsible for the development, planning, coordination, funding, monitoring and evaluation of research.

449. The Tunisian Government is convinced that scientific and technological progress constitutes a fundamental right of Tunisians and it intends by these institutional measures to increase the efficiency and effectiveness of the national research system in order to promote rapid development of science and technology and their dissemination throughout Tunisia's society and economy, thus binding Tunisia firmly to the world economy and preventing its marginalization from universal progress. Thanks to these institutional reforms it has been possible in particular to:

(a) Identify, thanks to the combined efforts of the authorities and the researchers, the national research priorities within the framework of the Eighth Economic and Social Development Plan (1992-1996), which has seen for the first time in the history of Tunisian planning, which began in the early 1960s, the creation of a scientific commission responsible for the research sector;

(b) Prepare and implement "national mobilization programmes" in conjunction with all the ministries concerned, in order to link the research teams with each other, combine the research efforts, and bring the financial resources under the control of the body responsible for implementation.

450. The effort to coordinate the needs of the economy and society on the one hand and the needs of university training on the other has reconciled the freedom of the researcher with the requirements of the economic and social environment and has instituted a long-sought harmony.

451. Where funding is concerned, the State has made a major effort to provide researchers with sufficient resources to enable them to carry out the research freely chosen by them in the scientific councils of the establishment or those to which they belong (national mobilization programmes); the resources are decided upon by scientific commissions and approved by the administrative authority. Thus the public research budget, which was only 32.9 million dinars in 1992, had increased by 1995 to 57.9 million dinars. It amounted to 0.25 per

cent of GDP in 1991 (0.8 per cent of the State budget) and 0.39 per cent in 1995 (0.94 per cent of the State budget). The goal under the Eighth Plan was to have a national research budget of 0.5 per cent of GDP by the end of the Plan in 1996.

452. At the same time, the policy of promoting scientific and technological development for the benefit of the whole of Tunisian society has sought, on the one hand, to encourage enterprises to develop scientific research and turn technological development to better advantage by means of appropriate incentives and, on the other hand, to encourage research establishments and researchers to step up their efforts to secure scientific and technological progress by means of an appropriate profits-sharing policy.

453. The Investment Code, approved by Act No. 93-120 of 27 December 1993 and Decree No. 94-536 of 10 March 1994 establishing the amounts and the modalities for awarding the subsidy for investments in research and development activities by enterprises active in the industrial, agricultural and fisheries sectors, and Decree No. 94-1192 of 30 May 1994 establishing the list of equipment and the conditions governing the incentives established in article 9 of the Investment Promotion Code (as amended by Decree No. 95-23 of 9 January 1995) contain a number of measures providing incentives for enterprises to develop new technological procedures and acquire appropriate scientific equipment to facilitate such development.

454. There has also been a considerable increase in the number of research establishments and in their financial and human resources, together with incentives for supporting their own efforts.

455. The number of research establishments increased from 22 in 1989 to 29 in 1995. Their distribution by sector shows that:

(a) There are eight research establishments for the social sciences, seven for engineering, three for medical and pharmaceutical sciences, and eight for agriculture. This constitutes a fairly well-balanced set of research establishments in terms of sectoral distribution;

(b) The budgets of the research establishments have increased by an average of 10 per cent a year since 1991. However, the numbers of permanent researchers have not increased to the same extent but by only 1 per cent a year.

456. Nevertheless, there has been a sizeable increase in the number of contractual research personnel, or back-up personnel, as a result of the credits available under the national mobilization programmes and the resources allocated to the budgets of the research establishments or resulting from the implementation of contracts between research establishments and economic enterprises.

457. In order to encourage research establishments to improve their management and further develop their research capacity, much greater flexibility was introduced in the relevant controls, in particular the prior vetting of public expenditure, by Decree No. 94-431 of 14 February 1994 amending and supplementing Decree No. 89-1999 of 31 December 1989 on control of public expenditure. Thus, "for expenditures connected with scientific research provisional commitments

(without prior vetting) may be made up to a limit of one half of the amounts allocated" in the budget. The first provisional commitment proposal is passed without any need to provide documentary support. However, it has been noted that the officials responsible for authorizing expenditures are still reluctant to have recourse to such provisional commitments, no doubt wishing to avoid any subsequent criticism.

458. Pursuant to Decree No. 94-546 on the modalities of utilization of resources made available in connection with the opening of institutions of higher education and scientific environmental research, funds resulting from contracts with enterprises may be used up to a limit of "30 per cent for the improvement of working conditions in the institution" instead of being returned to the State budget pursuant to the Public Accounting Code. Moreover, an additional 30 per cent is earmarked for research or support personnel, who may be added to the official manning table.

459. Lastly, in order to improve the management of higher education and research establishments, Decree No. 93-466 of 18 February 1993, establishing the allowances and benefits accorded to the holders of certain managerial posts in higher education and scientific research establishments, introduced considerable changes in the allowances paid to such persons, thus providing improved incentives for the scientific staff of the establishments.

460. The measures described above show that the Tunisian Government has made great efforts to facilitate the maintenance, development and dissemination of science in order for everyone to enjoy the applications of scientific progress.

3. Freedom of scientific research

461. The States Parties to this Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

462. Since the freedom of creative activity is regarded as a fundamental condition for the development of human rights in science and technology, the national research system, inspired by the Declaration of 7 November 1987, has endeavoured to encourage the exercise of this freedom by means of an array of legal, administrative, jurisdictional and trade-union measures.

463. Legal measures designed to guarantee the scientific independence of researchers were adopted in the legislation on the status of teaching and research personnel adopted pursuant to Act No. 83-112 of 12 December 1983 on the general status of employees of the State, local public bodies and public administrative establishments.

464. As a public employee, a researcher now enjoys double protection of his scientific freedom:

(a) Firstly, "protection against threats, insults or defamation which may be directed against him" (art. 9, Act No. 83-112). Accordingly, a researcher cannot be attacked by reason of his work or the scientific results to which it may lead. "The Administration shall be required to protect public employees against threats and attacks of any kind which may be directed against them in connection with the performance of their duties";

(b) Secondly, protection against the Administration itself, which is prohibited by article 10 of Act No. 83-112 from including in a public employee's file any documents "referring to (his) political, philosophical or religious opinions".

465. The same legislation provides public employees with administrative guarantees against any prosecution not based on legally established breaches of discipline.

466. The legislation on the status of higher education and research personnel, including in particular Decree No. 93-825 of 6 December 1993 establishing the specific status of university teacher-researchers, which also includes research personnel working in research establishments (Decree No. 87-1113 of 22 August 1987 on the specific status of agricultural researchers), guarantees:

(a) Recruitment on the basis of scientific qualifications;

(b) Promotion based on evaluation by scientific peers without any administrative interference;

(c) Career development based on the scientific work done by the researcher and judged by juries composed of scientists which the researcher concerned may challenge;

(d) Freedom of choice of the subjects of research, subject only to the scientific assessment of the laboratory or research department.

467. Reconciliation of the freedom accorded to researchers with the needs of society and the national economy with respect to the choice of research topics is not effected on the basis of directives or budgetary restrictions. In the budget for higher education and research establishments the State continues to earmark substantial amounts to enable scientific departments and laboratories to carry out the research work which they decide upon in the light of their own concerns.

468. Research related to the needs of society and the economy are financed by means of budgetary allocations, in particular in the budget of the Secretariat of State for Scientific Research and Technology, which determines through its "scientific advisers" (Decree No. 92-362 of 17 February 1992) and scientific commissions the research topics which are to be covered by the national mobilization programmes. An invitation to tender is then addressed to laboratories, and the projects are selected after consultation of the scientific commissions.

469. In addition, the State encourages the participation of researchers in international scientific congresses and conferences and in training courses in overseas laboratories in various forms:

(a) When engaged in a scientific activity abroad a researcher is subject to the "official mission" schedule, which accords him a privileged status and allowances which are dependent on his grade but, in any event, sufficient to cover the costs of his stay abroad and, if necessary, of registration fees and

travel. The only practical limitations on this schedule are those inherent in the budgetary constraints connected with the structure of the country's economy;

(b) Researchers may also enjoy the benefits of the research grants system, which allows partial reimbursement of the costs of foreign travel or of scientific equipment from the general State budget (art. 71);

(c) In addition, the "training course" system ("stages") allows researchers the possibility of retaining their salary in Tunisia and receiving training allowances linked to their grade if they are required to spend a fairly long period abroad for scientific purposes;

(d) Researchers also enjoy subsidies for the publication of the results of their scientific work; such subsidies are granted either through publishing establishments (Study, Research and Publication Centre, Centre for Economic and Social Research, National University Centre for Scientific and Technical Documentation) or directly by the Secretariat of State for Scientific Research and Technology.

470. This situation, which enhances the scientific freedom of researchers and enables them to conduct their research without interference, is consolidated by the trade-union rights accorded them by law. Article 4 of Act No. 83-112 of 12 December 1983, referred to above, provides that "public employees shall have trade-union rights. Their occupational trade unions, governed by the Labour Code, may appear and argue before any court". In Tunisia the trade unions of higher education and research personnel have played an important catalytic and partnership role in ensuring the normal development of relations between teaching-research personnel and the Administration, thus investing the freedom of research and creative activity with a real content and tangible impact. The freedom of creative activity is also strengthened by the existence of another trade union, the Union of Writers of Tunisia, which performs outstanding work in support of literary and artistic creation thanks to the policy of President Zine El Abidine Ben Ali of encouraging the arts and literature.

471. Many administrative measures have been taken to safeguard and protect the freedom indispensable for scientific research and creative activity:

(a) Pursuant to the legislation on the status of higher education and scientific research personnel, the Administration submits many decisions to juries and scientific commissions elected by the personnel concerned;

(b) Pursuant to this same legislation and the Decree on organization of universities and higher education and research establishments, the appointment by the Administration of the officials responsible for the administrative and scientific management of such establishments is based exclusively on free election by the teaching or research personnel or on the outcome of consultation of the personnel concerned.

472. From the legal standpoint, the freedom of scientific production is doubly protected with respect both to the Administration and to third parties.

473. Where the Administration is concerned, any researcher who feels injured by an administrative decision may submit an application for legal review on the

ground of abuse of power to the Administrative Tribunal created by Act No. 72-40 of 1 June 1972 with a view to having the decision annulled. The case law of the Administrative Tribunal demonstrates, not that there is any need to do so, the high degree of protection accorded to public employees in general and to research personnel in particular.

474. If an administrative act causes an injury, the person concerned may bring proceedings before the competent legal body pursuant to the Decree of 7 November 1888 with a view to obtaining reparation.

475. Lastly, the Press Code allows the author of any scientific work to defend his opinions and, if necessary, to bring proceedings before a competent court in respect of any public insult or defamation to which he may be subjected on the occasion or by reason of the publication of his opinions or the results of his research work.

(d) Measures taken to prevent the use of scientific and technical progress for purposes adverse to the enjoyment of all human rights

476. Tunisia has a long history of enacting legislative measures to prevent the use of scientific and technological progress for purposes adverse to the enjoyment of all human rights, in particular the rights to life, health, individual freedom and privacy.

477. With regard to health, many measures have been enacted concerning the human food supply, pharmaceutical products (National Centre for Pharmacological Supervision, National Drugs Monitoring Laboratory) and organ transplants. The introduction of new products which may affect a person's health or his faculties is subject to prior authorization by the competent authority: Ministry of Public Health for drugs, Ministry of Industry for industrial products, and Ministry of Agriculture for factory-produced foodstuffs.

478. Effective monitoring arrangements have been put in place to verify conformity with the standards, including the ones relating to hygiene:

Central Analysis and Testing Laboratory;

National Institute of Nutrition and Food Technology;

Higher Drugs Council;

Higher Bioethics Commission.

479. Organ transplants are also subject to regulation. In addition to the Central Analysis and Testing Laboratory, the Government has established the National Institute for Research into Physical and Chemical Analysis, in order to equip the country with suitable means of providing accurate information about the composition of a substance and ensuring efficient and effective control of the content of products brought into use, thus preventing the circulation of products having invisible effects on human or animal health or harmful effects on the environment, and with a view to the issue of international certificates of conformity.

480. In addition, the National Radio-Protection Centre has at its disposal appropriate legislation for monitoring ionising radiation and the use of radioactive products and materials in the country, thus preventing radioactive sources from being used for purposes other than those for which they are intended and providing protection against the dangers of ionising radiation.

481. It must also be pointed out in this connection that the various administrative regulations which facilitate the organisation of science and scientific establishments play ipso facto a certain preventive role in combating any attempt to use scientific progress or experiments connected with scientific developments for purposes prejudicial to human rights. In addition, Tunisia's penal system is sufficiently well developed from the standpoint of criminal legislation and juridical institutions to ensure the punishment of any use of scientific progress for purposes prejudicial to human life or individual freedom or privacy. However, it is still the case that the means placed in man's hands by science and technology, which now enable him to affect, even indirectly, the physical integrity, freedom or privacy of the individual, constitute a serious threat to human rights in any country, especially since scientific and technological progress has achieved such a degree of sophistication that individuals hardly have any truly "private" life any more and are no longer safe from genetic manipulation.

482. The Tunisian authorities are aware of the problems which this situation can pose. They are making considerable efforts, despite the difficulties, to protect people against the harmful effects which scientific progress may have on the privacy and integrity of the human person. The array of legal measures described above testifies to the scale and extent of the efforts made. It is to be hoped that the scientifically advanced nations will effectively control the use of scientific progress by their nationals or public authorities and prevent any use detrimental to the natural wealth and the human, genetic and biological resources of the less developed nations or to the individual freedom and privacy of their citizens, especially with respect to trade in and management of waste materials.

(e) Dissemination of scientific progress

483. Aware that all scientific progress must be placed in the service of mankind and society, the Tunisia of the new era has introduced comprehensive arrangements to ensure the widespread dissemination of scientific culture and an exchange of information between scientists both in Tunisia and abroad. The policy for the dissemination of scientific culture is described below.

484. The prodigious developments in the field of science and technology enhance Tunisia's function as a bridge of scientific culture. The efforts to inform and enhance the awareness of the general public enable science and technology to become integral parts of their daily life. Various actions have been carried out in this area.

(i) Actions aimed at the general public

485. Approaches have been made to the media with a view to increasing the number of press articles popularising and providing information about science and to encouraging scientific broadcasts on television (scientific documentaries

and films); this has led to the production of many specialized scientific programmes and broadcasts describing the results of research. The daily newspapers give considerable space to the latest scientific developments in Tunisia and elsewhere. It is in this framework that the Secretariat of State for Scientific Research and Technology participates as a member of the National Committee for the Decade of Culture in the project on Tunisia as "regional cultural capital" by providing a presentation on bioethics.

(ii) Actions aimed at young people

486. It is a priority for the State to enhance the awareness of the young public, provide it with additional scientific information and knowledge, and acquaint it with the pleasure of discovery and learning. Several actions have been taken for this purpose under the programme "Douroub Biladi" (footpaths of my country). The participants in this programme have been on organized visits to a number of laboratories and research centres operating under the Secretariat of State. The interest shown by the young people justifies stepping up this type of activity and organizing other visits.

487. In addition, the Secretariat of State has concluded and renewed a framework agreement with the Youth Science Association of Tunis (AJST) designed to encourage scientific activity within the Association and the conduct of activities in the regions and the remotest districts of the country.

488. Lastly, the Secretariat of State took part in the meeting on youth and innovation held to mark the seventh anniversary of the Change by running a stand on innovation in science and technology in conjunction with the various institutes (Arid Regions Institute, Regional Institute for Information, Science and Telecommunications, National Scientific and Technological Institute for Oceanography and Fisheries, Sfax Biotechnology Centre, and National Scientific and Technological Research Institute).

(iii) Development of the products of technological research and innovation

489. The Secretariat of State helps to facilitate the opportunities for contact between research and industry and meetings between researchers and industrialists, in particular by supporting specialized fairs and exhibitions of the research conducted and products produced in the various institutes, laboratories, engineering schools and universities. It is by this means that the Secretariat of State participates in the work of the Technological Innovation Centre. This Centre, set up under the auspices of the "Crossroads of Business and Technology", a biennial event which has become a tradition, provides an excellent framework for the development of the products of research and technological innovation and for meetings between researchers and industrialists, both nationally and internationally. The Secretariat of State makes a contribution to the convening and content of the meetings and discussions which take place on the fringes of this event.

490. In addition, at the national level the State encourages technological innovation by furnishing financial support for persons who perfect an invention or confer an added value on an existing technology.

(iv) Audiovisual products

491. One of the purposes of the State's action is to make use of audiovisual aids in the dissemination of scientific culture. For example, a scientific documentary ("OASIS - WAHAAT") has been produced in collaboration with ORSTOM, the French cooperation research institute. This film deals with the oasis ecosystem in Tunisia and with man's traditions and culture and his means of communication with his environment. This production is a result of the policy of developing audiovisual aids for scientific and technological purposes.

(v) Prospects

492. The dissemination of scientific culture will continue to be encouraged on the following terms and for the following purposes:

(a) Continuation of the support offered to scientific associations both to enable them to promote their own activities and for the purposes of extension work and dissemination of scientific information among the general public;

(b) Production of folders describing the country's existing research institutions and the principal research activities;

(c) Organization of "meeting-discussion days" with scientific associations and clubs in order to step up the activities of such associations, especially those concerned with scientific culture;

(d) Preparation for 1996, as part of the project on Tunis as regional cultural capital, of an international meeting on bioethics;

(e) Organization for 1996 of the scientific film festival originally planned for 1995;

(f) Participation in international scientific events and exhibitions.

493. Much has been done to ensure the dissemination of scientific information. This action includes measures on scientific documentation and national and international research networks.

494. In the case of scientific documentation, scientific establishments, libraries and private establishments are free to import any scientific papers that they may wish.

495. Public establishments receive large credits every year for the purchase of printed works or subscriptions to scientific reviews. The system for the production and exchange of scientific and technical documents and information includes the National University Centre for Scientific and Technical Documents, which is responsible for carrying out, for the benefit of researchers and research establishments, all kinds of documentary research by consulting national and international data banks and furnishing information about the national scientific heritage.

496. In addition, the Secretariat of State has established a national research and technology network, which is managed by the Regional Institute for Computer

Science and Telecommunications, which is itself connected to the international electronic scientific information networks. The national network enables researchers to consult national and international data banks, exchange information, correspond by electronic mail, and engage in a dialogue with researchers throughout the world. The development of this network to include a tele-medicine network has reached an advanced stage, thus giving patients access to a better medical service in the forefront of progress. The establishment of this national research network, which became operational in 1994, was welcomed by Tunisia's research community. Despite the fairly high cost of commissioning the network, it is being continually extended and is in constant use.

497. However, the high cost of acquiring information from foreign data banks limits the opportunities which such a network can offer. It is to be hoped that the international community will find means of facilitating even further the exchange of scientific information as an essential tool for reinforcing human rights in this area.

498. Scientific progress and technological innovation demand, amongst other things, encouragement of the establishment of learned societies as vehicles for providing training and organizing activities, especially for the benefit of young researchers.

(vi) Associations

499. The activities of associations, after having been relatively neglected earlier, have benefited from the powerful support given by President Zine El Abidine Ben Ali by means of the revision (by Act No. 92-25 of 2 April 1992) of the Associations Act of 7 November 1959. The revision of this legislation has introduced an essential flexibility in the conditions governing the establishment of associations by replacing the rather strict requirement of prior authorization by a much more flexible and basically more favourable requirement of a simple declaration to the authorities, by virtue of which the association is deemed constituted unless the authorities object within the period of 46 days specified by the Act of 2 April 1992. Such objections must be described in detail in an administrative document and are subject to appeal, if necessary, on the ground of abuse of power pursuant to Act No.72-40 of 1 June 1972, mentioned above. Furthermore, the same legislation specifies the rights and obligations of associations and the privileges which may be granted to certain members of their staff under the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947. In accordance with these provisions, many NGOs and various other associations have been able to establish themselves in Tunisia, a country which regards itself as open to its outside environment in all respects and especially in scientific and technological matters.

500. In addition to the relaxation of the regulations governing the establishment of associations, which has worked greatly to the benefit of learned societies - present in vast numbers in the early 1990s - the State has also encouraged learned societies both by contributing to their annual budgets and by supporting the scientific events which they organize. Such encouragement may be provided by any ministry, but mainly the Departments responsible for higher education, health and scientific research and technology.

501. Thus, a very large number of national and international scientific events have been held in recent years, making Tunisia a leading international venue for meetings on scientific research.

502. This policy of encouraging the creation of learned societies was consolidated by Act No. 93-80 of 26 July 1993 on the establishment of NGOs in Tunisia: their establishment may be authorized by decree. Such decrees also specify the privileges to which they may be entitled, in particular any tax exemptions which they may claim.

(f) International cooperation

503. The States Parties to this Covenant recognize the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific and cultural fields.

504. Tunisia is convinced that such cooperation is an essential element of the establishment of peace and brotherhood among men and an important means of promoting exercise of the right to knowledge and scientific progress, and it therefore encourages international exchanges in this area by all means. Scientific cooperation is also an important factor in safeguarding the international aspects of Tunisian research and investing the national efforts with an international extension which can help Tunisia's development.

505. It is on this basis that Tunisia has played a leading role in the Arab Maghreb Union with respect both to the adoption of scientific cooperation agreements and to the convening of scientific meetings in the Maghreb countries or the launching of joint research programmes under the auspices of the Maghreb Academy of Science.